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Government of Bengal

Home Department

Political (Special)

**The Bengal Detention Manual
1937**

A Manual of Acts, Statutory Rules and Orders and Executive Instructions relating to persons placed under restraint under the provisions of the Bengal Criminal Law Amendment Act, 1930, including the Statutory Rules made by the Hon'ble the Chief Commissioner, Ajmer-Merwara, regulating the custody of, and the appointment of Visiting Committees to, the detenus in the Deoli Detention Ajmer-Merwara.

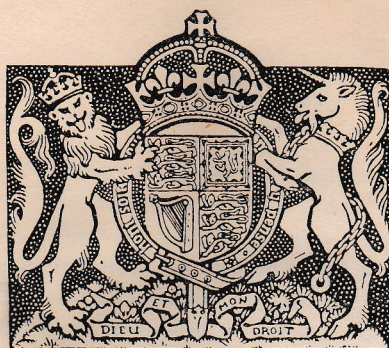
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1937

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Chief Commissioner, A. M. S. M. S. M. S.,
the Controller, and the Department of
Prisons, in the Bengal Detention
Manual, 1937.

Printed and Published by
the Government of Bengal,
Calcutta.

Preface.

The only collections of rules and orders for the treatment of persons detained under the Bengal Criminal Law Amendment Act, 1930, are those contained in the pamphlet entitled "Instructions for the treatment of those confined in jails in Bengal under the Bengal Criminal Law Amendment Act, 1930, and Regulation III of 1818," and in the three pamphlets of a similar nature which deal with the Buxa, Hijli and Berhampore Detention Camps. So many Government orders have been issued since the preparation of these pamphlets that they are now obsolete for all practical purposes, and as there has never been any collection of Rules and Orders governing the treatment of detenus in village and home domicile or under other forms of restraint, the administration of the Bengal Criminal Law Amendment Act, 1930, is being carried on almost entirely by means of circulars and general orders. This has led to wide variations of procedure, and not infrequently to confusion and unnecessary correspondence.

The purpose of this Manual is to provide officers with a handbook containing the Acts and Statutory Rules relating to persons dealt with under the Bengal Criminal Law Amendment Act, 1930, and a complete digest of the orders issued from time to time for the management and control of these persons. The Manual supersedes the instructions contained in the pamphlets referred to above and *does not apply to State prisoners who are held under Regulation III of 1818 in respect of whom a separate Manual has been issued.*

The Manual is divided into three main parts, viz., Part I—Acts, Part II—Statutory Rules and Orders, and Part III—Executive Orders and Instructions. Part III is divided into eight chapters each of which is divided into a number of sections for facility of reference. The rules, however, are numbered consecutively, and in referring to them it is unnecessary to quote the number of the Chapter or Section.

It is hoped that the Manual will be found to contain most of the important Government orders on the various subjects dealt with, but if any order is found to have been omitted, it should not be regarded as having been cancelled. If any Rule or Order contained in the Manual is found to be inconsistent with any Government order issued in the past, the matter should be brought to the notice of Government and the existing order should be followed.

CALCUTTA,

The 5th August, 1937.

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The following is a list of the names and titles of the persons who have been mentioned in the foregoing chapters. The names are given in full, and the titles are given in full, or in abbreviated form, as the case may require. The names are given in full, and the titles are given in full, or in abbreviated form, as the case may require. The names are given in full, and the titles are given in full, or in abbreviated form, as the case may require.

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PART I.—ACTS.

Bengal Act VI of 1930.

THE BENGAL CRIMINAL LAW AMENDMENT ACT, 1930.¹

As modified up to the 1st June, 1934.

(16th October, 1930.)

An Act to supplement the ordinary criminal law in Bengal.

Whereas it is expedient to supplement the ordinary criminal law in Bengal;

And whereas the previous sanction of the Governor General has been obtained under sub-section (3) of section 80A of the Government of India Act to the passing of this Act:—

It is hereby enacted as follows:—

1. Short title, commencement and extent.—(1) This Act may be called the Bengal Criminal Law Amendment Act, 1930.

(2) It shall come into force on the nineteenth day of October, 1930.

(3) It extends to the whole of Bengal.

* *

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2. Power of Local Government to deal with certain suspects.—

(1) ³[Where, in the opinion of the Local Government, there are reasonable grounds for believing that any person—

(i) is a member of an association of which the objects and methods include the commission of any offence included in the First Schedule or the doing of any act with a view to interfere by violence or threat of violence, with the administration of justice; or

(ii) has been or is being instigated or controlled by a member of any such association with a view to the commission or doing of any such offence or act; or

¹For Statement of Objects and Reasons, see *Calcutta Gazette*, 1930, Part IV, pages 121-125; and for proceedings in Council, see the Proceedings of the Bengal Legislative Council, Vol. XXXV, pages 600 to 640 and 688 to 733.

²Sub-section (4) of section 1 was omitted by the Bengal Criminal Law Amendment Act, 1934 (Ben. Act VII of 1934), s. 13.

³These words in square brackets in s. 2(1) were substituted for the original words by the Bengal Criminal Law Amendment Act, 1932 (B. n. Act IV of 1932), s. 2.

- (iii) has done or is doing any act to assist the operations of any such association;

the Local Government may, by order in writing,] give all or any of the following directions, namely, that such person—

- (a) shall notify his residence and any change of residence to such authority as may be specified in the order;
- (b) shall report himself to the police in such manner and at such periods as may be so specified;
- (c) shall conduct himself in such manner or abstain from such acts as may be so specified;
- (d) shall reside or remain in any area so specified;
- (e) shall not enter, reside in, or remain in any area so specified;
- (f) shall be committed to custody in jail;

and may at any time add to, amend, vary or rescind any order made under this section:

Provided that such order shall be reviewed by the Local Government at the end of one year from the date of making of the order, and shall not remain in force for more than one year, unless upon such review the Local Government directs its continuance.

(2) The Local Government in its order under sub-section (1) may direct—

- (a) the arrest without warrant of the person in respect of whom the order is made at any place where he may be found by any police officer or by any officer of Government to whom the order may be directed or endorsed by or under the general or special authority of the Local Government;
- (b) the search of any place specified in the order which in the opinion of the Local Government has been, is being, or is about to be used by such person, for the purpose of doing any act, or committing any offence, of the nature described in sub-section (1).

12A. Power of District Magistrate to deal with certain youthful persons.—(1) Where, in the opinion of a District Magistrate, there are reasonable grounds for believing that any person within the district of which such Magistrate is in charge—

- (i) is under the age of twenty-one years,
- (ii) is ordinarily resident within the said district, and
- (iii) is consorting with a member of any association referred to in clause (i) of sub-section (1) of section 2,

the District Magistrate may, in accordance with rules to be made in this behalf under section 13 and after consultation, where practicable, with the parent or guardian of such person, by order in writing, give such directions regulating the conduct or restricting the movements of such person or prescribing the place where he shall reside within the

¹Section 2A was inserted by the Bengal Criminal Law Amendment Act, 1934 (Ben. Act VII of 1934), s. 14.

district, or such other directions, as the District Magistrate may consider necessary for the purpose of protecting such person from the influence of members of and persons connected with any association referred to in clause (i) of sub-section (I) of section 2 and may, at any time, add to, amend, vary or rescind any order made under this section :

Provided that such order shall be reviewed by the District Magistrate within one year from the date of making the order, and shall not remain in force for more than one year unless upon such review the District Magistrate directs its continuance.

(2) The District Magistrate in his order under sub-section (I) may, in order to secure compliance with the order, direct the arrest without warrant of the person in respect of whom the order is made at any place where he may be found by any police officer or by any officer of Government to whom the order may be directed or endorsed under the general or special authority of the Local Government.

(3) The Local Government may, at any time, cancel or revise any order made under this section.

(4) When, in the opinion of the District Magistrate, a person in respect of whom an order under sub-section (I) has been made attains the age of twenty-one years the District Magistrate shall report the case to the Local Government and the order shall be deemed to continue in force for six months from the date of such report unless it is cancelled in the meantime.

Explanation 1.—In this section the word “guardian” includes any person who, in the opinion of the District Magistrate, has, for the time being, the charge of or control over the person in respect of whom the order is made.

Explanation 2.—For the purpose of sub-section (I), a student of any educational institution shall be deemed to be ordinarily resident, not only within the district in which he ordinarily resides, but also within the district in which such institution is situated.

3. Service of orders under sections 2 and 2A.—¹[(I)] An order made under sub-section (I) of section 2 ²[or sub-section (I) of section 2A] shall be served on the person in respect of whom it is made in the manner provided in the Code of Criminal Procedure, 1898, for service of a summons, and upon such service such person shall be deemed to have had due notice thereof.

¹(2) If an order made under sub-section (I) of section 2 is not served personally on the person in respect of whom it is made, and due diligence has, in the opinion of the Local Government, been exercised to effect such service, the Local Government may, by a notification published in the *Calcutta Gazette* and in such newspapers as it thinks fit, direct the said person to appear before such officer of Government at such place and within such period as may be specified in the notification for the purpose of receiving the order.

4. Power to arrest without warrant.—(I) Any officer of Government authorized in this behalf by general or special order of the Local

¹Section 3 was renumbered as sub-section (I) of section 3 and to this section as so renumbered sub-section (2) was added by the Bengal Criminal Law Amendment Act, 1934 (Ben. Act VII of 1934), s. 15.

²These words, figures, brackets, and letter in square brackets in s. 3 (I) were inserted by section 15(2) of the same Act.

Government may arrest without warrant any person against whom a reasonable suspicion exists that he is a person in respect of whom an order might lawfully be made under sub-section (1) of section 2.

(2) Any officer exercising the power conferred by sub-section (1) may, at the time of making the arrest, search any place and seize any property which is, or is reasonably suspected of being, used by such person for the purpose of doing any act, or committing any offence, of the nature described in sub-section (1) of section 2,¹ [and may require in writing any police officer subordinate to him and not below the rank of a Sub-Inspector or any officer in charge of a police-station as defined in the Code of Criminal Procedure, 1898, whether in the same or a different district or jurisdiction to search any such place and seize any such property. The officer to whom such requisition is addressed shall thereupon search the place or places specified in the requisition and forward the property found, if any, to the officer at whose request the search was made. The provisions of the Criminal Procedure Code, 1898, so far as they can be made applicable, shall apply to any search made under this sub-section.]

(3) Any officer making an arrest under sub-section (1) shall forthwith report the fact to the Local Government, and may, by order in writing, commit any person so arrested to custody pending receipt of the orders of the Local Government; and the Local Government may by general or special order specify the custody to which such person shall be committed:

Provided that no person shall be detained in custody under this section for a period exceeding fifteen days save under a special order of the Local Government, and no person shall in any case be detained in custody under this section for a period exceeding ²two months.

5. Enforcement of orders.—(1) The Local Government and every officer of Government to whom any copy of any order made under section 2 has been directed or endorsed by or under the general or special authority of the Local Government may use any and every means necessary to enforce compliance with such order.

(2) Any officer exercising any of the powers conferred by section 4 may use any and every means necessary to the full exercise of such powers.

6. Penalties for breaches of orders under sections 2, 2A and 3.—

(1) Whoever knowingly and wilfully disobeys any direction in an order made under sub-section (1) of section 2 shall be punishable with imprisonment for a term which may extend to seven years and shall also be liable to fine.

(2) Whoever knowingly and wilfully disobeys any direction in an order made under sub-section (1) of section 2A shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

¹These words and figures in square brackets in s. 4(2), were added by the Bengal Criminal Law Amendment Act, 1932 (Ben. Act IV of 1932), s. 3(1).

²The words "two months" were substituted for the words "one month" by section 3(2) of the same Act.

³Sections 6 and 6A were substituted for the original section 6 as amended by the Bengal Criminal Law Amendment Act, 1932 (Ben. Act IV of 1932), by the Bengal Criminal Law Amendment Act, 1934 (Ben. Act VII of 1934), s. 16.

(3) Whoever fails to comply with any direction in a notification published under sub-section (2) of section 3 shall, unless he proves that he had no knowledge of the notification, or that it was not possible for him to comply therewith and that he has taken all reasonable steps to make known to the officer before whom he was directed to appear the place where he may be found and the cause which rendered it not possible for him to comply therewith, be punishable with imprisonment for a term which may extend to seven years and shall also be liable to fine.

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, any offence under this section shall be a cognizable and non-bailable offence for which a warrant shall ordinarily issue in the first instance.

16A. Realisation of fine from parent or guardian.—(1) Where a person sentenced to fine under sub-section (2) of section 6 is, in the opinion of the Court, ordinarily resident with his parent or guardian, the Court may order that the fine shall be paid by such parent or guardian as if it had been a fine imposed upon the parent or guardian.

(2) Before making an order under sub-section (1), the Court shall give the parent or guardian an opportunity to appear and be heard, and no such order shall be made if the parent or guardian satisfies the Court that he has not conducted to the commission of the offence by neglecting to control the offender.

(3) Where a parent or guardian is ordered to pay a fine under this section, the amount may be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898.

Explanation.—In this section the word “guardian” includes any person who, in the opinion of the Court, has for the time being the charge of or control over the offender.

7. Power of photographing, etc., persons in respect of whom order has been made under section 2 or section 2A.—(1) Every person in respect of whom an order has been made under sub-section (1) of section 2 ²[or sub-section (1) of section 2A] shall, if so directed by any officer authorised in this behalf by general or special order of the Local Government,—

- (a) permit himself to be photographed;
- (b) allow his finger impression to be taken;
- (c) furnish such officer with specimens of his handwriting and signature;
- (d) attend at such times and places as such officer may direct for all or any of the foregoing purposes:

³Provided that a person in respect of whom an order has been made under sub-section (1) of section 2A shall not be directed to allow his finger impression to be taken.

¹See footnote³ on p. 4 *ante*.

²The words, figures, brackets and letter in square brackets in section 7 (1) were inserted by the Bengal Criminal Law Amendment Act, 1934 (Ben. Act VII of 1934), s. 17(1).

³This proviso was added to section 7(1) by section 17 (2) of the same Act.

(2) If any person fails to comply with or attempts to avoid any direction given in accordance with the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to six months, or with fine, which may extend to one thousand rupees, or with both.

8. Powers of search.—The power to issue search warrants conferred by section 98 of the Code of Criminal Procedure, 1898, shall be deemed to include a power to issue warrants authorising the search of any place in which any Magistrate mentioned in that section has reason to believe that any offence specified in the Second Schedule has been, is being, or is about to be committed, and the seizure of anything found therein or thereon, which the officer executing the warrant has reason to believe has been, is being, or is intended to be, used for the commission of any such offence; and the provisions of the said Code, so far as they can be made applicable, shall apply to searches made under the authority of any warrant issued under this section, and to the disposal of any property seized in any such search; and an order for search issued by the Local Government under sub-section (2) of section 2 shall be deemed to be a search warrant issued by a Presidency Magistrate or the District Magistrate having jurisdiction in the place specified therein, and may be executed by the person to whom the order is addressed in the manner provided in this section.

9. Scrutiny of case by two Judges.—(1) ¹[Within one month from the date of an order by the Local Government under sub-section (1) of section 2 or, if such order contains a direction under clause (a) of sub-section (2) of the said section, within one month from the date of the arrest or surrender of the person in respect of whom the order has been made,] the Local Government shall place before two persons, who shall be either Sessions Judges or Additional Sessions Judges having, in either case, exercised for at least five years, the powers of a Sessions Judge, or Additional Sessions Judge, the material facts and circumstances in its possession on which the order has been based or which are relevant to the inquiry, together with any such facts and circumstances relating to the case which may have subsequently come into its possession, and a statement of the allegations against the person in respect of whom the order has been made and his answers to them, if furnished by him. The said Judges shall consider the said material facts and circumstances and the allegations and answers and shall report to the Local Government whether or not in their opinion there is lawful and sufficient cause for the order.

(2) On receipt of the said report the Local Government shall consider the same and shall pass such order thereon as appears to the Local Government to be just or proper.

(3) Nothing in this section shall entitle any person against whom an order has been made under sub-section (1) of section 2 to attend in person or to appear by pleader in any matter connected with the reference to the said Judges, and the proceedings and report of the said Judges shall be confidential.

¹These words, figures, brackets and letter in square brackets in s. 9 (1) were substituted for the original words by the Bengal Criminal Law Amendment Act, 1934 (Ben. Act VII of 1934), s. 18.

10. Power to suspend operation of orders under section 2.—(1)

When an order under sub-section (1) of section 2 has been made against a person, the Local Government may at any time, without conditions or upon any conditions which such person accepts direct the suspension or cancellation of such order.

(2) If any condition on which an order has been suspended or cancelled is in the opinion of the Local Government not fulfilled, the Local Government may revoke the suspension or cancellation, and thereupon the person in whose favour such suspension or cancellation was made may, if at large, be arrested by any police officer without warrant, and the order under sub-section (1) of section 2 shall be deemed to be in full force.

(3) If the conditions on which such suspension or cancellation has been made include the execution of a bond with or without sureties, the Local Government may at once proceed to recover the penalty of such bond.

(4) A Presidency Magistrate or Magistrate of the first class shall in default of payment of such penalty issue, on application made in this behalf by an officer of the Local Government specially empowered, a warrant for the attachment and sale of the movable property belonging to the defaulter or his estate if he be dead. On the issue of such warrant the provisions of sub-sections (3) and (4) of section 514 of the Code of Criminal Procedure, 1898, shall apply to such recovery.

10A. Power to suspend operation of orders under section 2A.—

(1) When an order under sub-section (1) of section 2A has been made against a person, the District Magistrate may at any time, without conditions or upon any conditions which such person or the parent or guardian of such person accepts, direct the suspension or cancellation of such order.

(2) If any condition on which an order has been suspended or cancelled is in the opinion of the District Magistrate not fulfilled, the District Magistrate may, after giving such person or the parent or guardian of such person, as the case may be, an opportunity to appear and be heard, revoke the suspension or cancellation, and thereupon the order under sub-section (1) of section 2A shall be deemed to be in full force, and if the conditions on which such suspension or cancellation has been made include the execution of a bond with or without sureties by the parent or guardian of such person, the District Magistrate may at once proceed to recover the penalty of the bond.

(3) In default of payment of such penalty, the District Magistrate may issue a warrant for the attachment and sale of the movable property belonging to the defaulter or his estate if he be dead. On the issue of such warrant the provisions of sub-sections (3) and (4) of section 514 of the Code of Criminal Procedure, 1898, shall apply to such recovery.

Explanation.—In this section the word “guardian” has the same meaning as in section 2A.

¹Section 10A was inserted by the Bengal Criminal Law Amendment Act, 1934 (Ben, Act VII of 1934), s. 19.

11. Visiting Committees.—(1) The Local Government shall, by order in writing, appoint such persons as it thinks fit to constitute Visiting Committees for the purposes of this Act, and shall by rules prescribe the functions which these Committees shall exercise.

(2) Such rules shall provide for periodical visits to persons under restraint by reason of an order made under sub-section (1) of section 2,

(3) No person in respect of whom any such order has been made requiring him to notify his residence or change of residence or to report himself to the police or to abstain from any specified act, shall be deemed to be under restraint for the purpose of sub-section (2).

12. Allowances to persons under restraint and their dependants.—The Local Government shall make to every person, who is placed under restraint by reason of an order made under sub-section (1) of section 2, such monthly allowance in cash or in kind or both for his support, as is, in the opinion of the Local Government, having regard to his other sources of income, adequate for the supply of his wants, ²[and may also make to any members of his family or near relatives who are dependant on him for support such allowance towards their maintenance as may seem to the Local Government appropriate in all the circumstances of the case not exceeding such allowance as, in the opinion of the Local Government, such person would have been in a position to make if he had not been placed under restraint.]

Explanation.—For the purposes of this section a person placed under restraint shall not include a person in respect of whom any order has been made under sub-section (1) of section 2 requiring him to notify his residence or change of residence or to report himself to the police or to abstain from any specific act, other than an act which interferes with his normal trade, business or profession.

13. Power to make rules.—(1) The Local Government may make rules providing for the procedure to be followed regarding the notification of residence and report to the police by persons in respect of whom orders have been made under section 2, ³[and for the directions which may be given in an order made under section 2A] and for the place and manner of custody of all persons arrested or committed to or detained in custody under this Act.

Publication of rules.—(2) Such rules shall be published in the *Calcutta Gazette*, and on such publication shall have effect as if enacted in this Act.

14. Bar to suits, prosecutions and other legal proceedings.—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

¹Section 12 was substituted for the original section 12 by the Bengal Criminal Law Amendment Act, 1932 (Ben. Act IV of 1932), s. 5.

²These words in square brackets in s. 12 were substituted for the original words by the Bengal Criminal Law Amendment Act, 1934 (Ben. Act. VII of 1934), s. 20.

³These words, figure and letter in square brackets in s. 13 (1) were inserted by section 21 of the same Act.

15. Effect of the Act.—Anything done and any action taken under the provisions of the Bengal Criminal Law Amendment Ordinance, 1930, shall be deemed to have been done or taken under the provisions of this Act as if this Act had commenced on the nineteenth day of April, 1930, [and anything done and any action taken under the provisions of the Bengal Criminal Law Amendment Ordinance, 1931, shall be deemed to have been done or taken under the provisions of this Act as amended by the Bengal Criminal Law Amendment Act, 1932, as if this last Act had commenced on the twenty-ninth day of October, 1931.]

The First Schedule.

(See section 2.)

⁽¹⁾ Any offence punishable under any of the following sections of the Indian Penal Code, namely, sections ²[121, 121A, 122, 123, 148, 216], 302, 304, 326, 327, 329, 332, 333, 392, 394, 395, 396, 397, 398, 399, 400, 401, 402, 431, 435, 436, 437, 438, 440, 457 and 506.

³(2) Any offence under the Explosive Substances Act, 1908.

³(3) Any offence under the Indian Arms Act, 1878.

⁴(4) Any attempt or conspiracy to commit, or any abetment of, any of the above offences.

The Second Schedule.

(See section 8.)

(a) Any offence punishable under any of the following sections of the Indian Penal Code, namely, sections ²[121, 121A, 122, 123, 148, 216], 302, 304, 326, 327, 329, 332, 333, 385, 386, 387, 392, 394, 395, 396, 397, 398, 399, 400, 401, 402, 431, 435, 436, 437, 438, 440, 454, 455, 457, 458, 459, 460 and 506.

(b) Any offence under the Explosive Substances Act, 1908.

(c) Any offence under the Indian Arms Act, 1878.

(d) Any attempt or conspiracy to commit, or any abetment of any of the above offences.

¹The words and figures in square brackets in s. 15 were added by the Bengal Criminal Law Amendment Act, 1932 (Ben. Act IV of 1932), s. 6.

²The figures and letter in square brackets in paragraph (1) of the First Schedule and paragraph (a) of the Second Schedule were substituted for the figures "148" by the Bengal Criminal Law Amendment Act, 1932 (Ben. Act IV of 1932), ss. 7(a) and 8.

³Paragraphs (2) and (3) of the First Schedule were inserted by section 7(b) of the same Act.

⁴The original paragraph (2) of the First Schedule was renumbered as paragraph (4) by section 7(c) of the same Act.

Act VIII of 1932.

THE BENGAL CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) ACT, 1932.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 5th April, 1932.)

An Act to supplement the Bengal Criminal Law Amendment Act, 1930.

Whereas it is expedient to supplement the Bengal Criminal Law Amendment Act, 1930; It is hereby enacted as follows:—

1. Short-title and duration.—This Act may be called the Bengal Criminal Law Amendment (Supplementary) Act, 1932.

1* * * * *

2. Power to order custody in jail outside Bengal.—The power of the Local Government under sub-section (1) of section 2 of the Bengal Criminal Law Amendment Act, 1930 (hereinafter referred to as the local Act), to direct by order in writing that any person shall be committed to custody in jail shall be deemed to include a power to direct, by order in writing ²[* *], that such person shall be committed to custody in any jail in British India; and, for all or any of the purposes of the local Act, an order so made shall be deemed to be an order made under section 2 of that Act, and all the provisions of that Act shall apply accordingly:

Provided that ³[(a) no such order as aforesaid shall be made except with the previous consent of the Provincial Government of the Province in which the jail is situated; and (b)] the powers exercisable by the Local Government under section 11 of the local Act in respect of any person committed to custody in a Jail outside Bengal, and under section 13 of that Act to provide for the manner of custody of any such person, shall be exercised by the Local Government of the province in which the jail is situated, and rules made by such Local Government in exercise of such powers shall be published in the local official Gazette.

3. Construction.—References to the local Act in sections 14 and 15 of that Act shall be deemed also to be references to the local Act as supplemented by this Act.

4. Bar of certain legal proceedings.—The powers conferred by section 491 of the Code of Criminal Procedure, 1898, shall not be exercised in respect of any person arrested, committed to or detained in custody under the local Act or the local Act as supplemented by this Act.

5. Repeals.—Sections 4, 5 and 6 of the Bengal Criminal Law Amendment (Supplementary) Act, 1925, are hereby repealed.

¹The second paragraph of section 1 was omitted by the Bengal Criminal Law Amendment Supplementary (Extending) Act, 1934 (Act XXVI of 1934), s. 2., which received the assent of the Governor General on the 22nd August, 1934.

²The words “made with the previous sanction of the Governor-General in Council” in section 2 were omitted by the Order in Council under section 293 of the Government of India Act, 1935.

³The words in square brackets in section 2 were inserted by the Order in Council under section 293 of the Government of India Act, 1935.

PART II.—STATUTORY RULES AND ORDERS.

Section A.—Rules made by Government under the Bengal Criminal Law Amendment Act, 1930.

Notification No. 6154X.—19th October 1930.—In exercise of the powers conferred by section 11 of the Bengal Criminal Law Amendment Act, 1930, the Governor in Council is pleased to make the following rules:—

Rules.

1. In these rules "Member" means a member of the Visiting Committee constituted in a particular area under section 11 of the Bengal Criminal Law Amendment Act, 1930.
2. A person under restraint shall be visited by a member at least once every quarter, and oftener if possible.
3. Each member shall visit persons under restraint as may be allotted to him by the District Magistrate for this purpose, and the District Magistrate may fix the area within which all persons under restraint shall be visited by a particular member, or may make such other allocation of duties amongst the members as may seem to him proper.
4. A member may visit persons under restraint at any time, provided that in the case of persons committed to custody under sub-clause (f) of sub-section (1) of section 2 such visits shall be subject as to the times of visit to the regulations governing the visits of non-official visitors to jails.
5. A member may interview the restrained person in private.
6. A member shall communicate to the District Magistrate any complaint or representation placed before him by the restrained person whether orally or in writing and may add thereto any comment or recommendation which shall to him seem proper.
7. A member shall inquire and report to the District Magistrate on any petition, complaint or communication referred to him by the District Magistrate relating to a restrained person.
8. A member may of his own motion bring any matter affecting a restrained person or his welfare to the notice of the District Magistrate and the District Magistrate may consult a member on any such matter.

R. N. REID,

Chief Secretary to the Government of Bengal (offg.).

Notification No. 6155X.—19th October 1930.—In exercise of the powers conferred by section 13 of the Bengal Criminal Law Amendment Act, 1930, the Governor in Council is pleased to make the following rule:—

Rule.

The Local Government may transfer any person committed to custody by an order under sub-section (3) of section 4 of the Bengal Criminal Law Amendment Act, 1930, from one custody to another. Such transfer shall be made by written order addressed to the authority in whose

custody the prisoner for the time being is, and to the authority to whose custody he is for the time being transferred.

R. N. REID,

Chief Secretary to the Government of Bengal (offg.).

Notification No. 9703X.—6th December 1930.—In exercise of the powers conferred by section 7 of the Bengal Criminal Law Amendment Act, 1930 (Bengal Act VI of 1930), and in supersession of notification No. 6153X., dated the 19th October 1930, the Governor in Council is pleased to authorise for the purpose of issuing the directions specified in the said section the following officers, namely:—

The Commissioner of Police.

All Police Officers holding the rank of Deputy Commissioner of Police.

All Police Officers of or above the rank of Superintendents of Police.

The Commandant of the Detention Camp at Buxa in the district of Jalpaiguri.

R. N. REID,

Chief Secretary to the Government of Bengal (offg.).

Notification No. 20605X.—25th November 1931.—In exercise of the powers conferred by section 13, of the Bengal Criminal Law Amendment Act, 1930, the Governor in Council is pleased to make the following rules in respect of persons detained under the provisions of that Act at Berhampore in the Murshidabad district:—

Rules.

I. The following rule regulates the use of arms against any detenu or body of detenus ordered to reside in Berhampore Camp:—

(1) Any police officer or constable may use a sword, bayonet, fire-arm or any other weapon against any such detenu escaping or attempting to escape: provided that resort shall not be had to the use of any such weapon unless such officer or constable has reasonable ground to believe that he cannot otherwise prevent the escape.

(2) Any police officer or constable may use a sword, bayonet, fire-arm or any other weapon on any such detenu engaged in any combined outbreak, or in any attempt to force or break open any gate, wire fencing or enclosing wall of the Camp, and may continue to use such weapon so long as such combined outbreak or attempt is being actually prosecuted.

(3) Any police officer or constable may use a sword, bayonet, fire-arm or any other weapon against any such detenu using violence to any officer of the Camp or other person: provided that such officer has reasonable grounds to believe that the officer of the Camp or other person is in danger of life or limb, or that other grievous hurt is likely to be caused to him.

(4) Before using fire-arms against a detenu under the authority contained in rule (1) the police officer or constable shall give warning to the detenu that he is about to fire on him.

(5) No police officer or constable shall use arms of any sort against a detenu in the case of an outbreak or attempt to escape without the orders of a superior officer when such superior officer is actually present and can be consulted.

II. A detenu in the Berhampore Camp is also subject to the following rules:—

(1) He shall reside in the accommodation allotted to him by the Commandant, Berhampore Camp, and within the limits of the Camp. He may proceed beyond those limits only with the permission of the Commandant given by a general or special order in this behalf.

(2) He shall conform to and obey the orders of the Commandant of the Camp issued from time to time for the comfort, safety, health and orderly conduct of the Camp and all persons residing within it.

(3) He shall attend roll call and answer his name in person at such times and places within the Camp as may be appointed by the Commandant.

(4) (a) He must be clean and properly dressed during the day, must stand up when any inspecting officer or authorised visitor visits his quarters, must answer any question put to him by such officers or visitors in the discharge of their duties, and otherwise treat them with respect.

(b) Any person in respect of whom an order has been passed under section (2)(f), Bengal Criminal Law Amendment Act, 1930, residing in Berhampore Camp, assaulting, insulting, threatening or obstructing any other such person, or any officer of the Camp, or Government servant, or any person employed in the Camp, or quarrelling or guilty of indecent or immoral conduct, or communicating or attempting to communicate with outsiders in any unauthorised manner, or bribing, or attempting to bribe, any Government servant or other person or spitting and soiling his barrack or verandahs, or disobeying the orders of or showing disrespect to the authorities of the Camp is liable to have the manner of his custody varied and to prosecution under any law in force.

¹(5) He shall not do or omit to do any act with intent to cause to himself any illness, injury or disability.

(6) He shall not have or keep money, notes or any negotiable instrument in his possession, nor shall he exchange, barter, or sell any of his kit, equipment, clothes, furniture or belongings.

(7) All letters, telegrams, postal articles, or communications of any kind, including parcels and other articles intended for him, will normally be delivered by the postal authorities in the first place to the Commandant of the Berhampore Camp. In the event, however, of any such thing described above coming into his possession otherwise, he must without delay deliver it unopened to the office of the Commandant, Berhampore Camp.

(8) He must not enter into written correspondence with any person unless such correspondence has been previously submitted to the Commandant, Berhampore Camp.

(9) Except as provided in rule (8) above, he shall not directly or indirectly correspond, communicate or associate with any person other

¹Amended by Notification No. 21564X, dated the 17th June 1936.

than a person domiciled in Berhampore Camp under an order passed on such person under section 2 of the Bengal Criminal Law Amendment Act, 1930, without the express permission given by a general or special order in this behalf by the Commandant, Berhampore Camp.

(10) He shall not refer in his correspondence to any person in respect of whom an order under the Bengal Criminal Law Amendment Act, 1930, has been made.

(11) He shall at all times allow free access to his quarters to the Commandant, the medical officers, and any Government servant authorised in this behalf by the Commandant, Berhampore Camp.

(12) When called upon to appear before the Commandant or in his absence before the Assistant Commandant of the Camp or the Assistant or Sub-Assistant Surgeons of the Camp, he shall do so without undue delay.

(13) When called upon by a police officer in uniform to declare his name he shall do so.

(14) When ordered by a police officer in uniform or by a medical officer of the Camp to return to or remain in his barrack or hospital ward he shall at once comply with such order.

(15) All complaints and requests must be made to the Commandant, Berhampore Camp, at the time and in the place and manner appointed by him. Petitions to the Local Government must in all cases be made through the Commandant. Requests for medical attendance or treatment should be made to the Assistant Surgeon in medical charge of the Camp at the time and in the place and manner appointed by him, and approved by the Commandant.

(16) The Commandant or in his absence the Assistant Commandant of the Camp may at any time search or cause to be searched in his presence, the person of any detenu ordered to reside in Berhampore Camp, his quarters and his belongings, and such detenu shall submit himself, his quarters and belongings to such search, when called upon to do so.

(17) Whenever he commits a breach of the foregoing rules the Commandant, Berhampore Camp, may, after enquiry, vary the manner of his custody in the following ways and to the following extent:—

(i) Order him to be confined in the manner provided in Jail Code Rule 713 for a period of not more than seven days (cellular confinement).

(ii) Order him to be confined in the manner provided in Jail Code Rule 714 for not more than fourteen days (separate confinement).

(iii) With the sanction of the local Government order him to be confined in the manner laid down in Jail Code Rule 713 for a period exceeding seven days (cellular confinement, major punishment).

These rules are made under section 13 of the Bengal Criminal Law Amendment Act of 1930, and by the order served on him under section 2(1) of the said Act the detenu is ordered to obey them. Under section 6 of the said Act whoever knowingly and wilfully disobeys any direction in such order shall be punishable with imprisonment for a term which may extend to two years and shall also be liable to fine.

W. S. HOPKINS,

Chief Secretary to the Government of Bengal.

Notification No. 13599X.—23rd April 1932.—In exercise of the power conferred by sub-section (1) of section 13 of the Bengal Criminal Law Amendment Act, 1930, the Governor in Council is pleased to make the following rule:—

Rule.

If any detenu under the Bengal Criminal Law Amendment Act, 1930, disobeys or neglects to comply with any order made, direction given or condition prescribed by virtue of any rule made under section 13 of the said Act, the authority which made the order, gave the direction or prescribed the condition may use any and every means necessary to enforce compliance with such order.

R. N. REID,

Chief Secretary to the Government of Bengal (offg.).

Notification No. 17025X.—26th May 1932.—In exercise of the powers conferred by sub-section (1) of section 4 of the Bengal Criminal Law Amendment Act, 1930 (Bengal Act VI of 1930), the Governor in Council is pleased to authorise each of the following officers of the Government of Bengal, *ex-officio*, to arrest without warrant any person against whom a reasonable suspicion exists that he is a person in respect of whom an order might lawfully be made under sub-section (1) of section 2 of the said Act, namely—

- (1) all Magistrates of the first class, and
- (2) all Police Officers of and above the rank of Sub-Inspector.

II. The Governor in Council is also pleased, in exercise of the power conferred by sub-section (3) of section 4 of the said Act, to specify the following as the custody to which any such officer may, pending receipt of the orders of the Local Government, commit any person arrested under the said section, namely:—

- (1) In the case of persons arrested in any area subject under the provisions of any Act to the jurisdiction of the Commissioner of Police, Calcutta—The Presidency Jail, Calcutta.
- (2) In the case of persons arrested in any other area—The District Jail in such area:

Provided that in the case of persons arrested in the area of the district of Bakarganj they may be committed to custody in the alternative in the district jail at Jessore or Dacca or Faridpur until further orders, that in the case of persons arrested in the area of the district of Murshidabad they may be committed to custody in the district jail at Krishnagar, and that persons arrested in the area of the district of Mymensingh they may be committed to custody in the Dacca Central Jail, [and in the case of persons arrested in the area of the district Dinajpur they may be committed to custody in the alternative in the Rajshahi Central Jail.]¹

III. The Government of Bengal's notification No. 7942X., dated the 2nd March 1932, as amended by Bengal Government's notification No. 10323X, dated the 21st March 1932, is hereby cancelled.

R. N. REID,

Chief Secretary to the Government of Bengal (offg.).

¹The portion in square brackets was added by Notification No. 13123X, dated the 20th April 1936.

Notification No. 21019X.—7th July 1932.—In continuation of notifications Nos. 7493X, dated the 24th October 1930, 1888X, dated the 2nd February 1931, and 20605X, dated the 25th November 1931, in exercise of the powers conferred by section 13 of the Bengal Criminal Law Amendment Act, 1930, the Governor in Council is pleased to make the following addition in line 6 of paragraph 2 of rule I to the rules made in respect of persons detained under the provisions of that Act at Buxa Duars, Hijli and Berhampore:—

After the word “Camp” (or “Fort” in the case of Buxa) insert “or any such bounds as may have been expressly notified in written orders by the Commandant.”

H. J. TWYNAM,

Chief Secretary to the Government of Bengal (offg.).

Notification No. 22716X.—20th July 1932.—In exercise of the power conferred by sub-section (I) of section 13 of the Bengal Criminal Law Amendment Act, 1930 (Bengal Act VI of 1930), the Governor in Council is pleased to make the following rule:—

Rule.

If any detenu under the Bengal Criminal Law Amendment Act, 1930, who is directed by an order issued under sub-section (I) of section 2 of that Act to proceed under escort from one place to another for detention or domicile or any other purpose, during the journey disobeys or neglects to comply with any written or verbal order given by the escort, the escort may use any and every means necessary to enforce compliance with such order.

H. J. TWYNAM,

Chief Secretary to the Government of Bengal (offg.).

Notification No. 17331X.—16th May 1934.—In exercise of the powers conferred by sub-section (I) of section 13 of the Bengal Criminal Law Amendment Act, 1930 (Bengal Act VI of 1930), the Governor in Council is pleased to make the following rules:—

In any order made under sub-section (I) of section 2A of the Bengal Criminal Law Amendment Act, 1930, for the purpose of protecting any person, the District Magistrate may direct that such person shall—

- (a) reside in any house or quarters in the district specified in the order or with any relative so specified who is resident in the district;
- (b) not absent himself from his place of residence between hours specified in the order;
- (c) not pay visits to, or receive visits from any person who is not a permanent resident of any area specified in the order, or whose name has been communicated to him in this behalf in writing by any officer of Government so specified;
- (d) not enter, or remain in, any place or area in the district specified in the order;

(e) not converse, communicate or associate with any person specified in the order or with members of any society, library, *akhra*, club or gymnasium so specified;

(f) withdraw from membership of any society, library, *akhra*, club or gymnasium specified in the order;

(g) attend, or refrain from attending, any school, college or educational institution specified in the order;

(h) proceed to and from any place or places specified in the order by routes so specified;

(i) report himself at intervals specified in the order to any officer of Government so specified;

(j) submit diaries of his doings and movements at intervals specified in the order to any officer of Government so specified;

(k) deliver unopened immediately after receipt, or submit before issue, to any officer of Government specified in the order all correspondence (including telegrams and postal and other packages) received or proposed to be issued by him;

(l) not read, subscribe to, receive or have in his possession any book, magazine, pamphlet or newspaper specified in the order;

(m) give information of any attempt by any person to induce him to disobey any direction contained in the order to any officer of Government specified in the order;

(n) conduct himself in such manner, generally or particularly, or abstain from such acts, as may be specified in the order.

S. N. Roy,

Additional Secretary to the Government of Bengal.

Notification No. 6253X.—7th March 1935.—In exercise of the power conferred by sub-section (1) of section 13 of the Bengal Criminal Law Amendment Act, 1930 (Bengal Act VI of 1930), the Governor in Council is pleased to make the following rule:—

Rule.

1. An officer making an arrest under sub-section (1) of section 4 of the Bengal Criminal Law Amendment Act, 1930, shall without unnecessary delay, unless he releases the arrested person, commit him to the custody specified by the Local Government by general or special order issued under sub-section (3) of that section.

2. No officer making an arrest under sub-section (1) of section 4 of the said Act shall detain in police custody any person so arrested for a longer period than in all the circumstances of the case is reasonable. Such period shall not, unless the District Magistrate by special order in writing so directs, exceed 24 hours and shall in no case exceed 72 hours, exclusive of the time necessary for the journey from the place of arrest to the place of custody, referred to in rule 1.

S. N. Roy,

Additional Secretary to the Government of Bengal.

**Section B.—The Deoli Camp Jail Bengal Detenus Custody Rules, and
Bengal Detenus Visiting Committee Rules.**

Orders by the Hon'ble the Chief Commissioner, Ajmer-Merwara.

NOTIFICATIONS.

Mount Abu, the 6th May 1932.

No. 931/165-conf./31.—In exercise of the powers conferred by section 13 of the Bengal Criminal Law Amendment Act, 1930, read with section 2 of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, the Chief Commissioner is pleased to make the following rules:—

1. These rules may be called the Bengal Detenus Custody Rules.
2. The Deoli Camp Jail (hereinafter referred to as the prison) is hereby declared to be the place of custody of all persons (hereinafter referred to as prisoners) transferred to the province of Ajmer-Merwara in exercise of the provisions of section 2 of the Bengal Criminal Law Amendment (Supplementary) Act, 1932.
3. Save in so far as is otherwise provided by these rules, prisoners shall be treated as civil prisoners in accordance with the provisions of the Prisons Act, 1894, and the rules made thereunder.
4. (1) Prisoners shall reside in the accommodation allotted to them by the Superintendent within the limits of the prison;
(2) they shall not proceed beyond those limits save with the permission of the Superintendent given by general or special order in this behalf;
- (3) they shall obey the orders of the Superintendent issued from time to time for the comfort, safety, health and orderly conduct and for the discipline and control of the prisoners residing within the prison;
- (4) they shall attend roll-call and answer their names in person at such times and places within the prison as may be appointed by the Superintendent;
- (5) they shall conform to the standards of cleanliness and dress laid down by the Superintendent;
- (6) they shall not do anything wilfully with the object of affecting their own bodily welfare;
- (7) they shall not have in their possession any coin, currency notes or negotiable instruments, any weapons, sticks, razors other than safety razors, pieces of iron or any other article which may be used as a weapon;
- (8) they shall not exchange or sell any of their kit, equipment, clothes, furniture or other possessions; and
- (9) they shall rise when the Superintendent, any inspecting officer, police officer or member of a Visiting Committee approaches them, and they shall answer any question put to them by such inspecting officer, police officer or member of a Visiting Committee in the discharge of their duties, and generally shall treat such persons with respect.

5. (1) Any prisoner who contravenes any of the provisions of rule 4 or does any of the following acts, namely:—

- (i) assaults, insults, threatens or obstructs any fellow prisoner or any officer of the prison or any other Government servant, or any person employed in the prison or any member of the Visiting Committee, or
- (ii) quarrels with any person in the prison, or
- (iii) is guilty of indecent, immoral, or disorderly conduct, or
- (iv) communicates or attempts to communicate with any person outside the prison in an unauthorised manner, or
- (v) bribes or attempts to bribe any Government servant or any person employed in the prison, or
- (vi) commits any nuisance or wilfully befouls any well, latrine, washing or bathing place, or
- (vii) disobeys the orders of or shows disrespect to any officer of the prison, or
- (viii) wilfully damages any property belonging to Government or tampers with prison locks, lamps or lights, or
- (ix) abets the commission by a fellow-prisoners of any of the foregoing acts, or
- (x) omits or refuses to help any officer of the prison in the case of an attempted escape on the part of any of his fellow-prisoners or of any attack upon such officer or upon any of his fellow-prisoners,

shall in lieu of any punishment to which he might have been liable under the provisions of the Prisons Act, 1894, be liable in respect of each such contravention or act or abetment, by order of the Superintendent to any or all of the following punishments:—

- (a) confinement in cells for a period not exceeding fourteen days;
- (b) reduction of diet allowance by not more than four annas per diem for a period not exceeding fourteen days;
- (c) reduction of personal allowance by not more than eight annas per diem for a period not exceeding fourteen days;
- (d) cancellation or reduction, for a period which may extend to two months, of the privilege of writing and receiving letters, newspapers and books; and
- (e) cancellation or reduction, for a period which may extend to two months, of the privilege of having interviews:

Provided that a refusal by a prisoner to take the diet prescribed by the authorities of the prison shall not be punishable under this sub-rule but under the Prisons Act, 1894, and the rules in force thereunder.*

(2) Nothing contained in sub-rule (1) shall be deemed to exempt prisoners from the operation of section 52 of the Prisons Act, 1894 (Act IX of 1894).

6. (1) The Superintendent shall fix two days in the week on which interviews may take place.

*Proviso added by notification No. 619/2-C.C./34, dated the 29th May 1934, published by the Chief Commissioner, Ajmer-Merwara.

(2) Interviews shall be permissible to such persons as have satisfied the Superintendent that they have received permission from the authorities appointed for that purpose by the Government of Bengal;

Provided that the prisoner sought to be interviewed is not undergoing punishment by cancellation or reduction of the privilege of having interviews.

(3) Interviews shall take place in the presence of an officer deputed by the Superintendent, and such officer may terminate an interview forthwith, if in his opinion the conversation is detrimental to the public interest or safety.

(4) Every person permitted to interview a prisoner and the prisoner himself shall be searched before and after the interview.

(5) The number of interviews shall not exceed more than one in a fortnight for each prisoner, and there shall not be more than three visitors present simultaneously at an interview.

(6) The Superintendent may appoint the time, place and duration for each interview, and ordinarily will not allow an interview to continue for more than one hour.

7. (1) Prisoners may write three letters per week, but not more than one letter shall be allowed to be enclosed in one envelope except in special conditions with the permission of the Superintendent.

(2) Prisoners may receive as many letters as are addressed to them, subject to the provisions hereinafter contained for withholding such letters.

(3) All letters to and from prisoners shall be perused by the Superintendent or by an officer specially appointed by him to assist him in this behalf or to perform this duty in his absence.

(4) If the Superintendent or the officer appointed by him is of opinion that a letter intended for despatch from a prisoner may be detrimental to the public interest or safety he may withhold it, and in case of doubt he may refer the matter for orders to the Chief Commissioner.

(5) If the Superintendent or the officer appointed by him is of opinion that the communication of a letter addressed to a prisoner may be detrimental to the public interest or safety, he may withhold the letter, and in cases of doubt he may refer the matter for orders to the Chief Commissioner.

(6) In all cases in which a letter either is not despatched or is not delivered to the prisoner the fact shall be reported to him.

(7) All letters the despatch or delivery of which is withheld in accordance with these rules shall be delivered to the Chief Commissioner.

(8) Notwithstanding anything hereinbefore contained, the Superintendent, or the officer appointed by him, may, instead of withholding the delivery or despatch of a letter, delete any portion which in his opinion may be detrimental to the public interest or safety and may despatch or deliver, as the case may be, the letter in such condition.

(9) The receipt and despatch of telegrams by prisoners shall be subject to the same control as is hereinbefore provided for letters except

that the number of telegrams which may be despatched by a prisoner shall be within the discretion of the Superintendent.

8. (1) Any of the newspapers and periodicals contained in the list shown in Schedule I to these rules may be received through the post by prisoners subject to the following conditions, namely:—

(a) any postal article containing the newspaper or periodical shall first be opened by the Superintendent or a person appointed by him for the purpose;

(b) where the outside page of any such newspaper or periodical is composed in whole or in part of advertisements, such advertisements shall be deleted before the newspaper or periodical is delivered to the prisoner.

(2) Books may also be received by prisoners through the post subject to the condition that the postal article containing the book shall first be opened by the Superintendent or any person appointed by him for the purpose and the delivery of such book to the prisoner may be refused by the Superintendent if in his opinion it is not suitable.

(3) In addition to newspapers, periodicals and books which may be received through the post, prisoners may purchase from their personal allowance newspapers, periodicals, and books subject to the conditions laid down in sub-rules (1) and (2).

9. The Superintendent shall forward with such observations as he may think fit any representation which a prisoner may from time to time be desirous of submitting to the Chief Commissioner:

Provided that if there be anything in the representation which in the opinion of the Superintendent is objectionable or insulting, he may withhold and destroy the representation, but if he does so, he shall inform the prisoner that the application has been withheld.

10. (1) Any officer of the prison and any prison-guard may use a sword, bayonet, firearm or any other weapon against any prisoner escaping or attempting to escape;

Provided that resort shall not be had to the use of any such weapon unless such officer or guard has reasonable ground to believe that he cannot otherwise prevent the escape.

(2) Any officer of the prison and any prison-guard may use a sword, bayonet, fire-arm or any other weapon against any prisoner engaged in any combined outbreak or in any attempt to force or break open any gate, wire fencing or enclosing wall of the prison and may continue to use such weapons so long as such combined outbreak or attempt is actually being prosecuted.

(3) Any officer of the prison and any prison-guard may use a sword, bayonet, fire-arm or any other weapon against any prisoner using violence to any officer of the prison or any other person:

Provided that there is reasonable ground for the officer or guard to believe that there is danger to the life or limb of the person of the officer or other person who is being attacked or that any other grievous hurt is likely to be caused to such person.

(4) Before using fire-arms against any prisoner under the authority contained in sub-rule (1), the officer or guard shall give warning to the prisoner that he is about to fire.

(5) No officer or guard shall use arms of any sort against a prisoner in the event of an outbreak or attempt to escape without the orders of a superior officer when such superior officer is actually present and can be consulted.

11. Subject to the provisions of rule 10, the Superintendent may use or require to be used such force as may in his opinion be necessary to compel obedience on the part of any prisoner to any lawful order issued by him.

12. Subject to the control of the Commissioner, the Superintendent may suspend the operation of any rule made under the Prisons Act, 1894, which in his opinion is not necessary for the maintenance of discipline in the prison or for the comfort, safety and health of the prisoners.

SCHEDULE I.

NEWSPAPERS, PERIODICALS AND MAGAZINES WHICH MAY BE SUPPLIED TO DETENUS.

The following newspapers, periodicals and magazines may be supplied to the detenus besides any magazines published in Great Britain (except those excluded under the Sea Customs Act):—

*Newspapers.**

1. "Statesman."
2. "Star of India."
3. "Pioneer."
4. "Leader" of Allahabad.
5. "Statesman" (Overseas weekly edition).
6. "The Illustrated Times of India."
7. "Panchayat" of Dacca.
8. "Mymensingh Samachar."
9. "Hindu Ranjika" of Rajshahi.
10. "Kashipur Nivasi" of Barisal.
11. "Sisir" (Weekly edition).
12. "Al-Aman" of Delhi (Urdu).

*Revised list contained in notification No. 1256/79-Conf./32, dated 31st October 1934, published by the Chief Commissioner, Ajmer-Merwara.

13. "Aftab" (Urdu).
14. "Haq" (Urdu).
15. "Hansa" of Benares (Hindi).
16. "Jagaran" of Benares.
17. "Sudha" of Lucknow (Hindi).
18. "Madhuri" (Hindi).
19. "Sudha" (Hindi).
20. "Utkal Deepika."
21. "Hindu Illustrated Weekly."
22. "Hitavadi" (Bengali).
23. "Midnapur Hitaishi" (Bengali).
24. "Whip."
25. "Sanjivani."

Magazines and Periodicals.

1. "Indian Review."
2. "Calcutta Review."
3. "Hindustan Review."
4. "Indian Historical Quarterly."
5. "(Indian) Medical Gazette."
6. "Homeopathic Director."
7. "Economic Journal."
8. "Udbodhan."
9. "Krishak."
10. "Utsava."
11. "Matri Mandir."
12. "Bhandar."
13. "Krishi Sampad."
14. "Prabuddha Bharat."
15. "Sangit Vignan Prabeshika."
16. "Saurabh."
17. "Pushpa Patra."
18. "Galpa Lahari."
19. "Archana."
20. "Bangabhumi."

21. "Banga Lakshmi."
22. "Janmabhumi."
23. "Pancha Pushpa."
24. "Viswa Bharati."
25. "Bichitra."
26. "(Indian) Medical Journal."
27. "Abahan."
28. "Udayan."
29. "Industry" (English).
30. "Sahakar" (Oriya).
31. "Review of India" (English).
32. "Krishi Lakshmi."
33. "Chikitsa Prakas" (Bengali).
34. "Maspaila."
35. "Calcutta Weekly Notes."
36. "Chhota Galpa."
37. "Film Land."
38. "Capital."

By order,

L. A. G. PINHEY,

*Secretary to the Chief Commissioner,
Ajmer-Merwara.*

No. 932—165-Conf./31.—In pursuance of the provisions of section 11 of the Bengal Criminal Law Amendment Act, 1930, read with section 2 of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, the Chief Commissioner is pleased make the following rules:—

1. These rules may be called the Bengal Detenus Visiting Committee Rules.

2. The Visiting Committee appointed in pursuance of the provisions cited in the preamble to these Rules shall exercise the following functions, namely:—

- (i) It shall visit the Deoli Jail not less than once in every calendar month and shall inspect the prison, see the prisoners and shall hear any complaints and petitions made by any prisoner.

- (ii) Generally the members of the Committee shall satisfy themselves that the prison is being administered in accordance with the rules and shall record the results of their visit and of any complaint heard by them in a book kept for the purpose.
- (iii) Copies of the remarks so recorded shall be forwarded by the Superintendent with any comments he may desire to make to the Commissioner, Ajmer-Merwara, who shall forward them with his remarks to the Chief Commissioner, Ajmer-Merwara.
- (iv) At any meeting of the Committee, the chair shall be occupied by the person appointed by the Chief Commissioner to be the Chairman and in his absence by the person whose name appears highest on the list in the order of the Local Government constituting the Committee.
- (v) The book in which the remarks of the Committee are recorded shall remain in the custody of the Superintendent except on the occasions when the Committee is visiting.

By order,

L. G. L. EVANS,

*Secretary to the Hon'ble the Chief Commissioner,
Ajmer-Merwara.*

NOTIFICATION.

Camp Ajmer, the 18th September 1936.

No. 821-C/79-Conf./32.—In exercise of the powers conferred by section 13 of the Bengal Criminal Law Amendment Act, 1930 (VI of 1930), as amended by the Bengal Criminal Law Amendment Act, 1932 (IV of 1932), the Chief Commissioner is pleased to make the following amendment to this Administration Notification No. 931/165-Conf./31, dated the 6th May, 1932:—

Insert the following as clause (c) of sub-rule (1) of rule 8 of the Bengal Detenus Custody Rules:—

“(c) Where, in the opinion of the Superintendent, any other matter in such newspaper or periodical is unsuitable on grounds of public interest and safety, such matter shall be deleted before the newspaper or periodical is delivered to the detenu.”

By order,

C. G. HERBERT,

*Secretary to the Chief Commissioner,
Ajmer-Merwara,*

PART III.—EXECUTIVE ORDERS AND INSTRUCTIONS.

The Bengal Detention Rules.

1. Definition.—The following Orders and Instructions shall be referred to as the Bengal Detention Rules.

Chapter 1.—Jails.

Section I.—Arrest and Custody.

2. The following officers are authorised by general order of Government to make arrests under section 4 of the Bengal Criminal Law Amendment Act, 1930:—

- (1) all Magistrates of the first class, and
- (2) all Police Officers of and above the rank of sub-inspector.

(Notification No. 17025X, dated the 26th May 1932.)

3. The Jails to which arrested persons should be committed are specified in item II of Notification No. 17025X, dated the 26th May 1932, as amended by Notification No. 13123X., dated the 20th April 1936.

4. Any officer who commits a person to Jail custody under sub-section (3) of section 4 of the Bengal Criminal Law Amendment Act, 1930, may at the same time request the Jail Superintendent to arrange for the separate confinement of such person, and the Jail Superintendent shall, if possible, comply with such request, pending the orders of the Local Government.

5. When a request is made for the separate confinement of a person arrested under section 4 of the Bengal Criminal Law Amendment Act, 1930, he shall be kept entirely separate from other prisoners of his class, and as far as possible from criminal prisoners other than convict servants. Such separate confinement shall last only until orders are passed by the Local Government under section 2 of the Act, or until the prisoner is released whichever is earlier.

Section II.—Status and Treatment.

6. Persons arrested under the Bengal Criminal Law Amendment Act, 1930, are civil prisoners, and for purposes of discipline are subject to such of the rules of the Jail Code as apply to such prisoners and are not inconsistent with the special rules framed under section 13 of the Bengal Criminal Law Amendment Act, 1930, to deal with such persons, or with any special orders passed by the Local Government in this behalf (*vide* succeeding rules).

Chapter 2.—Jails and Detention Camps.

Section I.—Accommodation, Furniture and Equipment.

7. Every detenu shall be allotted to a ward (or cell if no ward is available) by order of the Jail Superintendent or Camp Commandant and shall be allowed to communicate freely with other detenus unless segregated for disciplinary, medical, or other special reasons, in which case the Superintendent or Commandant shall, if he considers it necessary, report his orders and the reasons therefor to the Local Government, in the former case through the Inspector-General of Prisons.

8. The wards or cells allotted to detenus shall contain as their normal equipment a chair and a table, a light for use at night until 10 p.m., an iron cot, a mosquito net and a mattress for each detenu and these shall be provided at Government expense. In addition to these articles, a detenu may provide at his own expense such other furniture, bedding and utensils as the Jail Superintendent or Camp Commandant may approve as consistent with his ordinary habits, and the accommodation of the Jail or Camp.

Note.—In the case of persons held under section 4 of the Bengal Criminal Law Amendment Act, 1930, the Jail Superintendent may provide the following articles on loan pending the orders of Government under section 2 of the Act, when the detenu becomes entitled to the initial allowance and will be able to buy these articles for himself—

- (a) metal feeding utensils,
- (b) 2 pillows,
- (c) 2 sheets,
- (d) 4 pillow-cases,
- (e) 2 blankets, and
- (f) a mosquito net, if available.

In no circumstances may articles which have been loaned to a detenu be removed from the Jail of issue.

9. All cooking utensils used in the detenu's kitchen shall be provided at Government expense.

10. All articles which are supplied at the public expense shall be repaired and replaced, when necessary, at the cost of Government, unless the damage or loss has been caused wilfully by the detenus in which case the cost may be recovered from the allowances of the offenders.

(Government order No. 7120-22X, dated the 12th May 1931.)

Section II.—Allowances.

11. All detenus in Jails and Camps in Bengal are entitled to a monthly personal allowance of Rs. 9. In addition to this allowance, every detenu is entitled to an initial allowance of Rs. 60 as soon as orders are passed by the Local Government under section 2 (1) of the Act for his confinement in a Jail, or for his internment in a Camp or village domicile. Detenus who are domiciled at their homes or with relatives under section 2 (1) of the Act, "or who externed" or served with an order under section 2 (1) (a) (b) (c), are not entitled to the initial allowance.

12. The monthly personal allowance is intended to meet the cost of postage on the detenu's letters, his clothing and toilet necessities, and other articles according to his wishes provided that the Superintendent or Commandant may refuse to allow the purchase of unnecessary or undesirable articles. The allowance shall not be spent in advance but the savings of any one month shall be carried on to the next, and the detenu is entitled to receive on his release, the balance (if any) that stands to his credit.

Note.—The personal allowance should be credited to the detenus' accounts in arrears in two instalments on the 1st and 16th of the month in the case of Jails and in one instalment on the 1st of the month in the case of detention camps.

13. The initial allowance is payable only once to a detenu irrespective of the number of occasions on which he may be arrested. It is intended to meet the cost of the articles of clothing and bedding and the feeding utensils which he will require during his detention and will be paid in two instalments, one of Rs. 35 and the other of Rs. 25. The second part is expressly intended to meet the cost of warm clothing which will be supplied to the detenu during his first cold weather, and must be used for this purpose.

Note.—Unless otherwise specified, the period between the 16th October and the end of February should be regarded as the "cold weather" for the purpose of this rule.

14. When a person is held in Jail under section 4 of the Bengal Criminal Law Amendment Act, 1930, and an order under section 2(1) of the Act is served upon him directing his continued detention in that Jail, the initial allowance to which he is entitled shall be paid by the Jail Superintendent. When, however, the order under section 2(1) directs that he be interned in a village away from his home, or in a Detention Camp, or when an order for Jail detention under section 2(1) of the Act is received simultaneously with an order under section 2(1) for the detenu's transfer to village domicile or a Camp, the initial allowance shall ordinarily be paid by the District Magistrate or Camp Commandant concerned on the detenu's arrival at his *basha* or the Camp, as the case may be, and not by the Jail Superintendent before the detenu's departure. If, however, a Jail Superintendent considers it necessary in order to avoid hardship to pay a portion of the initial allowance to a detenu before his departure for a camp or village domicile, he may do so.

15. If after receiving a portion of his initial allowance, a detenu proceeds to village domicile or a Camp, the balance of his initial allowance will remain at his credit, and he will be entitled to draw it as if he had not been moved. If, however, such a detenu is at any time transferred to home domicile or is conditionally, or unconditionally, released or externed, the balance of his initial allowance will lapse to Government.

16. If a detenu who has been transferred to home domicile, or conditionally or unconditionally released, or externed, is subsequently recommitted to Jail as a detenu or sent to a Camp or village domicile under section 2(1) of the Bengal Criminal Law Amendment Act, he will again become entitled to the balance (if any) of his initial allowance which lapsed on his being home-domiciled, released, or externed.

17. An account of the expenditure of the monthly and initial allowances shall be kept for each detenu, and when he is transferred to

another Jail or Camp, or village or home domicile, extracts showing the state of his accounts shall be furnished to the receiving office. In the case of conditional or unconditional release, the accounts shall be sent to the Superintendent of Police of the detenu's home district (*cf.* Rules 191-193).

Note.—(i) Particular care should be taken to notify the receiving office of any sums which are in process of recovery from the detenu.

(ii) If a detenu on his transfer to village domicile from a jail or camp has a balance to his credit on account of his personal allowance, the amount should be paid to him in cash.

(Government order No. 34532X, dated the 25th October 1935.)

(Government order No. 36149/205X, dated the 6th December 1933, Government order No. 3559X, dated the 7th February 1934, Government order No. 16681-3X, dated the 14th May 1934 and Government order No. 41681-83X, dated the 10th December 1936.)

Section III.—Clothing and Toilet Arrangements.

18. Each detenu in a Jail or Camp may wear his own clothes, and friends may, at the discretion of the Superintendent or Commandant, provide him with extra clothes and bedding. Otherwise, additional clothes and bedding shall be purchased as required from the detenu's initial grant and his monthly allowance.

19. Appendix A contains a list of standard articles of clothing suitable for detenus. The list is intended merely as a guide for the Superintendent or Commandant who may use his discretion in sanctioning clothing to detenus provided that the allowances admissible are not exceeded. In exceptional or special cases, however, when it is necessary to supplement the clothing which a detenu possesses and the detenu has no money to his credit, Superintendents and Commandants may advance sums up to a maximum of Rs. 20 to any detenu in any one cold weather for the purchase of warm clothing. Such advances shall not ordinarily be made more than once in two years and shall be recovered from the detenu's allowance in instalments of Rs. 4 per month, and at the rate of Rs. 3 per month from the detenus who are repaying Presidency Jail overdrawals. All cases in which advances are made shall be reported to Government with a statement of the amounts advanced and the reasons for the advances.

(Government order No. 36149/205X, dated the 6th December 1933, Government order No. 16681-3X, dated the 14th May 1934, paragraph 6, and Government order No. 37686-739X, dated the 25th November 1935.)

20. The Superintendent or Commandant shall make arrangements for the regular washing of the clothes of detenus at Government expense, and as far as possible convict labour shall be used for this purpose. If detenus desire to get cold weather clothing washed or cleaned outside the Jail or Camp, they may be allowed to do so provided they pay the cost themselves.

(Government order No. 31729/56X, dated the 11th November 1933.)

21. Detenus may use safety razors for shaving, but only one safety razor blade shall be supplied at a time, and the old blade must be returned before a new one is issued. As far as possible, convict barbers shall be employed for hair cutting, and to shave those detenus who do not use safety razors, but outside barbers may be employed if good convict barbers are not available.

Note.—If a detenu wishes to engage the services of an outside barber when a good convict barber is available, he may do so provided he bears the cost himself.

(Government order No. 5057X, dated the 15th February 1934.)

Section IV.—Limits of Baggage and Disposal on Transfer.

22. The allowance of personal baggage fixed for detenus in Jails and Camps is $2\frac{1}{2}$ maunds.

23. No detenu in a Jail or Camp shall be allowed more than one trunk, two suit-cases, one roll of bedding and a deck chair, and the size of the trunk shall not exceed $30" \times 20" \times 15"$. No barbells, large mirrors, pictures or similar articles shall be allowed. Walking sticks may be permitted only on medical grounds.

24. When it is found that the possessions of a detenu exceed the limits described above the surplus shall be disposed of by—

(a) local sale, or

(b) despatch at the detenu's expense to an address selected by him, or if the detenu is unwilling to adopt course (a) or (b),

(c) surrender to Government.

25. When course (a) of Rule 24 is followed the proceeds of the sale shall be credited to the detenu's account. When course (b) is followed, the Superintendent or Commandant shall take over only a number of packages, and not a collection of the contents, and shall furnish the detenu with a receipt for the packages after the detenu has initialled the counterfoil. The expenses in such cases shall be debited to the detenu's personal account.

If the detenu elects course (c) the articles surrendered shall be collected and sold by auction, the proceeds being credited to Government under the head "XXXVI—Miscellaneous Department" in the provincial budget.

26. When a detenu is transferred, his feeding utensils, bedding, and all necessary clothing, shall accompany him, and subject to the provisions of Rules 22 and 23, he may be allowed to take with him all other articles purchased out of his allowances. A list of packages taken by a detenu on transfer shall be sent through the escort to the receiving office. On release a detenu may take away with him all articles in his possession which have been purchased for his own private use out of his allowances.

Note.—No articles which have been loaned to a detenu in Jail may be removed by him from the Jail (vide note to Rule 8).

(Government order No. 8918-20X, dated the 10th March 1932, Government order No. 10881-84X, dated the 30th March 1932, and Government order No. 33474-76X, dated the 18th November 1933.)

Section V.—Diet.

27. Every detenu in a Jail or Camp is entitled to a daily diet allowance of 12½ annas. Should the number of detenus in any jail fall below ten, the daily diet allowance may be increased by 1 anna 6 pies per head per day.

(Government order No. 13311-3X, dated the 22nd April 1933.)

28. The daily diet allowance shall be used only for the purchase of foodstuffs and fuel supplies. Unspent balances accruing from day to day may be used on subsequent days during the same month, but any balance which may remain unspent at the end of the calendar month will lapse to Government.

29. A specimen scale of diet for detenus is contained in Appendix B. This scale is intended as a guide only, and may be varied at the discretion of the Superintendent or Commandant. The wishes of the detenus shall be taken into account, and they may supervise the cooking of their food, but shall not be permitted to have outside cooks.

Note.—Ordinarily the detenus should be allowed to manage their own messing and dietary.

30. Subject to the provisions of Rule 28 above, the cost of food including fuel and all extras shall be kept within the daily dietary allowance, but the diet allowance of any particular detenu may be temporarily increased by the Superintendent or Commandant on medical grounds. Detenus shall not normally be permitted to receive food of any kind from their friends or relatives outside.

Note.—Superintendents of Jails may at their discretion permit detenus to receive fruits and sweets brought by persons permitted to interview them provided such foodstuff is not injurious to the detenu's health and also that the gift is not used as a means of introducing message and forbidden articles.

(Government order No. 27487X, dated the 11th August 1936.)

Section VI.—Medical.

31. No detenu shall be sent to a Jail or Camp hospital except in case of serious illness, and then only under the written orders of the medical officer which shall be shown without undue delay to the Superintendent or Commandant. Minor illnesses shall be treated in the cells or wards where the detenus are confined.

32. When a detenu is under treatment in his cell or ward, no sick attendant shall be given except under the express orders in writing of the Superintendent or Commandant. The name of any such sick attendant shall be entered in the detenu's history ticket,* and the attendant shall not be changed except under the written orders of the Superintendent or Commandant.

33. If it is necessary to move a detenu to an outside hospital for operative or other special treatment, the previous orders of Government shall be obtained, unless, in the opinion of the Superintendent or

*See Rule 121.

Commandant, delay would entail danger to the detenu's life, in which case the detenu may be moved at once by arrangement with the local Superintendent of Police, in anticipation of the orders of Government which shall be applied for forthwith.

Note.—When a detenu is moved to an outside hospital the cost of his transport should be met by the Superintendent of Police as in the case of transfers.

34. When a detenu is seriously ill in a Jail or Camp the Superintendent or Commandant shall inform the relatives direct by telegram, and at the same time send a copy to the Superintendent of Police of the detenu's home district by telegram and to the Local Government by post.

Similar procedure shall be followed when a detenu dies in a Jail or Camp.

(Government order No. 16160-214X, dated the 14th May 1934, and Government order No. 24393-450X, dated the 16th July 1936.)

35. The Superintendent, Presidency Jail, should furnish to Government monthly reports on the health of sick detenus who are brought there for treatment. The Commandants of Camps, Superintendents of Jails and District Officers should bring early to the notice of Government all cases of ill-health of detenus in which they think it necessary or desirable that Government should be informed.

(Government order No. 9133-87X, dated the 21st March 1936.)

36. Detenus who desire to receive treatment by the Ayurvedic or homeopathic systems of medicine may be allowed to receive such treatment *at their own cost*, provided the medical officer has no objection, and is satisfied that the medicines required are innocuous. No Ayurvedic or homeopathic practitioner shall, however, be permitted to enter a Jail or Camp for the purpose of treating a detenu.

(Government order No. 20272X, dated the 27th November 1931, and Government order No. 26962-3X, dated the 3rd September 1932.)

37. The Superintendent and Commandant may sanction, without reference to Government, expenditure up to Rs. 5 on one occasion only for the purchase of spectacles for a detenu or, if he already has spectacles, up to Rs. 2 per pair for different powered lenses, provided the medical officer certifies that spectacles, or lenses of a different power are necessary to prevent the detenu's health being impaired. The cost of any repairs, or replacements of lenses due to breakage, shall be borne by the detenu.

If a detenu asks for spectacles or lenses of a more costly nature than those provided for above, he shall pay the difference in cost from his monthly allowance.

Note.—The Bengal Presidency Pharmacy of 63-2, Harrison Road, Calcutta, has been appointed contractors for the supply of spectacles to detenus, and will supply rolled-gold 14-carat frames fitted with spherical or cylindrical crystal flat lenses at Rs. 5 per pair inclusive of postage.

(Government order No. 24531-35X, dated the 8th August 1932, Government order No. 22765-9X, dated the 7th August 1933, and Government order No. 23525-8X, dated the 2nd July 1934.)

38. The Inspector-General of Prisons and Commandant of a Camp may sanction expenditure on the dental treatment of detenus without reference to Government, provided the rates charged do not exceed the following:—

- (a) Extractions—Rs. 5 per tooth;
- (b) Amalgam fillings—Rs. 8 per tooth;
- (c) Scaling and cleaning, on the express certificate of the medical officer that this is necessary—Rs. 10 per detenu;
- (d) Artificial teeth consisting of not less than two molars to be supplied at Government cost only when the medical officer certifies that they are essential to prevent the detenu's health being impaired—at Rs. 6 per tooth.

The cost of any repairs or replacements of artificial teeth due to breakage, shall be borne by the detenu.

Note.—(i) Dr. D. D. Ankleseria, B. C. P. S. (C. P. & S.) of 3, Wellesley Street, Calcutta, has been appointed visiting Dental Surgeon to the Berhampore Detention Camp and the Presidency Jail and is expected to visit the Camp and the Presidency Jail on the requisition of the Commandant or Jail Superintendent when there is a sufficient number of detenus requiring attention. The Commandant of the Camp is authorised to pay him the following travelling expenses without reference to Government:—

- (i) Halting allowance at Rs. 20 per day for each day's stay at the Camp;
- (ii) Travelling allowance of one first-class fare, each way *plus* one third-class fare each way if accompanied by a servant for each visit.

(Government order No. 49519X, dated the 15th December 1934, Government order No. 49521-23X, dated the 15th December 1934.)

39. As facilities for dental and ocular treatment are not usually available in villages in Bengal, and considerable inconvenience and expense are likely to be caused to Government if detenus who are suffering from eye or dental affections are sent to village domicile without having them attended to, special care shall be taken to see that detenus who are under orders of transfer to village domicile are examined by the medical officer, and if possible by the visiting ophthalmic and dental surgeons (if any have been appointed), and their needs attended to, before being sent to village domicile.

(Government order No. 33126-28X, dated the 21st August 1934.)

40. A medical history sheet shall be maintained for each detenu in the form contained in Appendix E and shall contain particulars of the detenu's name, age, weight and condition of health on his arrival, and a brief but connected account of his ailments, and the treatment given from time to time, together with notes as to whether he has been supplied with spectacles or artificial teeth at any time, and if so, whether at his own or Government expense.

Note.—Copies of the form of medical history sheet may be had on indent from the Press and Forms Manager, Bengal.

41. When a detenu is transferred whether it be to another Jail or Camp or village or home domicile his medical history sheet shall be forwarded to the receiving office without delay. In case of conditional or unconditional release the medical history sheet shall be forwarded to the Superintendent of Police of the detenu's home district. (*Cf.* Rules 191 to 193).

(Government order No. 22667-721X, dated the 18th July 1934.)

Section VII.—Examinations.

42. Every encouragement shall be given to detenus in Jail and Camp to study for examinations conducted by the Calcutta and Dacca Universities, and the Board of Intermediate and Secondary Education, Dacca, and unless specific instructions are received to the contrary in any individual case, or unless the conduct of any individual has been such as to compel the Superintendent or Commandant to disallow him to sit for an examination, all detenus are permitted by Government to sit for such examinations provided they have the permission of the examining authority, and it is unnecessary for them to apply to Government for specific permission to appear at them. Detenus may not, however, appear at examinations which involve practical tests, or sit for ordinary school tests.

43. All examinations shall be held in the Jail or Camp in which the detenus are confined or interned, and the Superintendent and Commandant shall make the necessary arrangements in direct communication with the examining authorities. Certificates of good conduct will usually be required by the examining authorities, and provided the detenu's behaviour in the Jail or Camp has been satisfactory these shall be furnished by the Superintendent or Commandant stating that the candidate is a detenu. In no circumstances shall a detenu be permitted to furnish certificates of good conduct provided by fellow detenus. During the examinations the Superintendent and Commandant should take particular care to ensure that the arrangements for invigilation are adequate.

44. The Superintendent and Commandant are authorised to pay on behalf of Government half the examination fees (including the non-collegiate, migration and registration fees) of detenus who sit for the examinations referred to in Rule 42 without reference to Government and to debit the charges to the grants placed at their disposal under the head "25—Jails and Convict Settlements—Miscellaneous Services and Supplies"—District or Central Jails, as the case may be, in the case of detenus in jails, and under the head "57—Miscellaneous—Miscellaneous and unforeseen charges—for internments under the Bengal Criminal Law Amendment Act, 1930" in the case of detenus in Camps.

45. The non-collegiate, migration, registration and examination fees of detenus in Jails and Camp may be advanced in full by the officers concerned at their discretion and shall be paid to the authorities concerned as and when required but not earlier than is actually necessary. In the case of detenus who are not in receipt of study allowance (vide Rule 55), half the total fees advanced to each detenu shall be recovered from his monthly personal allowance by monthly instalments of not less than Rs. 3 and not more than Rs. 6 according to the discretion of the Superintendent or Commandant concerned. In the case of detenus who are in receipt of study allowance, such advances shall be adjusted against the advance recoupments provided for in Rule 55 (ii).

46. As a special concession in the case of detenus who sit for the M.A. examination, the expenses connected with which are high, Government will pay three-quarters of the examination fees of those candidates who are successful. Pending the results of the examination in such cases, only one-quarter of the fees shall be recovered from

the detenu, the remaining quarter being recovered subsequently only in those cases in which the detenu is unsuccessful.

47. All petitions (including any addressed to Government) regarding examinations shall be dealt with by the Superintendent and Commandant concerned without reference to Government unless specific orders are required on a particular point. Similarly, all arrangements for examinations shall be made by the Superintendent and Commandant in direct communication with the examining authorities and Government should not be referred to except in cases of doubt.

48. Persons who are detained in Jail under section 4 of the Bengal Criminal Law Amendment Act, 1930, may sit for examinations in the same way as detenus who are held under section 2 of the Act, but in their case Government will not bear any portion of the examination fees.

49. In no case will Government bear any portion of the arrear school or college fees of detenus or the fees for diplomas or certificates.

50. If any detenu intentionally fails to sit for an examination or is prevented from doing so owing to his having been prosecuted, or is found using unfair means during an examination, or at the end of the examination is found to have submitted blank answer papers, the entire amount spent from the credit of the examinee, or half the fees advanced by Government, or both, according to the discretion of the Commandant, or the Superintendent, should be recovered in suitable instalments.

In addition to the above penalties a detenu who has used unfair means in an examination should get neither the study allowance nor any part of the fees for a second attempt or for another examination.

As to the question whether a detenu who has been expelled from an examination for using unfair means, should be allowed to appear at University Examinations in future, the Commandant of the Berhampore Camp and Superintendents of Jails should in every such case report the facts with incriminating materials to the University in order that the latter may decide whether the detenu should be allowed to sit for any examination in future. The Commandant may, if he so chooses, also refuse to grant certificates of good conduct to such detenus when they subsequently apply to the University for permission to sit for an examination again. In effect therefore, the Commandant and Superintendents will be able to prevent such detenus from appearing at any examination again but in deciding whether they should do so or not the conduct of the detenu in the Camp subsequent to his delinquency, should be taken into consideration.

The Commandant and Superintendents must, however, ascertain in all cases whether the subject or the paper on which a blank answer book was submitted, or for which the detenu did not sit, was one which would make a vital difference between a pass and a failure before imposing the penalty. In most cases it would be desirable to make an enquiry and note the result and to wait for the result of the examination before imposing the penalty.

(Government order No. 24452-5X, dated the 6th August 1935.)

In those cases in which the detenu is convicted of an offence before the fees advanced have been recovered, the amount of the unrecovered fees shall be reported to Government so that it can be recovered on the expiry of his sentence.

51. If any detenu is known to have taken and failed in any examination on two occasions or more, the concession of payment by Government of half the examination fees shall not again be allowed without reference to Government.

52. No detenu who has received permission from an examining authority to sit for an examination will ordinarily be transferred elsewhere within one month of the date of the examination. If orders of transfer are received during this period they shall be kept in abeyance until the examination is over, the fact being reported at once to Government.

53. In no case shall any detenu who is an undertrial prisoner or who is actually serving a sentence be permitted to sit for any examination.

(Government order No. 40800-48X, dated the 6th October 1934, Government order No. 31570-4X, dated the 9th August 1934, Government order No. 13434-90X, dated the 28th April 1934 and Government order No. 24452-5X, dated the 6th August 1935.)

54. Muktearship Examination is usually held in the Berhampore Camp and the Presidency Jail only, and when detenus in other Jails desire to sit for this examination, it will be necessary to transfer them to the Presidency Jail. In such cases Superintendents shall apply to Government for temporary transfer orders at least three weeks before the date of the examination.

Note.—Applications from detenus for permission to sit for the Muktearship and Sanskrit Association Examinations should be sent to the Secretary, Committee of Legal Education, High Court, Calcutta (through the District Judge), and to the Secretary, Bengal Sanskrit Association, Sanskrit College, 1, College Square, Calcutta, respectively.

Section VIII.—Study Allowance.

55. In order to assist detenus interned in Camp under section 2 (1) of the Bengal Criminal Law Amendment Act, 1930, to study for recognised and approved examinations, a credit of Rs. 5 per month will be placed in the hands of the Commandant for each detenu who satisfies him that he is studying for such an examination.

Note.—At present study allowance is also admissible to the juvenile detenus in the Barisal Jail.

(Government order No. 16125-28X, dated the 21st May 1935.)

The grant and use of study allowance will be governed by the following instructions:—

- (i) Unless otherwise specified, the terms “recognised and approved” examinations mean those examinations in respect of which Government pay, or may decide to pay, any portion of the examination fees, provided that the Muktearship, Revenue Agentship, Government Commercial Institute and Sanskrit Association Examinations should be treated as recognised and approved examinations, although half the examination fees are not paid by Government to detenus in a Camp in view of the small amount of fees for these examinations.

(Government order No. 28525-27X, dated the 21st July 1934.)

- (ii) Every detenu shall be called upon on his arrival in a Camp, and in June each year to state whether he desires to sit for an examination during the next 12 months [or in certain cases 2 years' vide sub-rule (vii)], and if so to give particulars including the cost of the examination fees, and non-collegiate, migration and registration fees (if any). These particulars together with the name of the detenu shall then be registered by the Commandant, and if the examination is an approved one and he is satisfied that the detenu really intends to study and sit for the examination, he may credit the detenu's account with a monthly study allowance of Rs. 5 less a monthly instalment towards the detenu's share of the cost of the examination fees which will be recouped from his study allowance in equal monthly instalments with effect from the date of the detenu's enrolment up to the date of his examination.
- (iii) Study allowance is intended solely for the purchase of books, and payment of examination fees, and may not be used for any other purpose, e.g., purchase of toilet articles.
- (iv) Study allowance may not be drawn for more than one examination at a time.

Note.—The object of granting study allowance or half the examination fees or both to detenus is to enable them to qualify for a profession and nothing further. Such assistance is not meant for detenus who have attained a reasonable standard of qualification suitable for employment and who want to add to their academical qualifications at the expense of Government. In practice it would, therefore, mean that for Matriculation, I.A., and I.Sc. Examinations and the several approved examinations not conducted by the University the concession of study allowance or half the examination fees or both should be granted but, for B.A., B. Com., M.A. and Law Examinations the concession should be granted to detenus only when they take:—

- (a) B.A. or B. Com. Examination but not both;
- (b) M.A. or Law Examination; and
- (c) M.A. Examination in one subject only.

No study allowance or payment of examination fees can be allowed to detenus who intend to appear at the M.L. Examination.

Detenus who have obtained M.A. degree may, however, be granted study allowance for law examinations if they desire to study law after having passed M.A., but detenus who have passed the Final law Examination should not be granted any assistance for going up for the M.A. degree.

Muktearship and Revenue Agentship examinations should be considered as final examinations but a detenu who has passed the one examination should be allowed to take the other with the usual facilities.

(Government order No. 35440-523X, dated the 15th October 1936, and Government order No. 1474-6X, dated the 14th January 1937.)

- (v) Study allowance is admissible only for the 10 months of each academic year, i.e., from June to March each year, and subject to this limitation may be drawn from the date of a detenu's enrolment in the Camp register up to the date of his examination.
- (vi) Advance of study allowance for purchase of books, before the commencement of the academic year June-March is not admissible. There is of course no objection to detenus arranging for books at favourable rates with the permission of the Commandant, before the commencement of June, so long as actual payment is made after it.

(Government order No. 24452-5X, dated the 6th August 1935.)

- (vii) Detenus engaged in a two-year course of study may draw study allowance from the date of their enrolment in the Camp register up to the date of their examination, subject to the provisions of sub-rule (v) above, and may be allowed to draw an advance of not more than 10 months' study allowance less one quarter of the examination fees in the first year, and an advance of not more than 10 months' study allowance less one quarter of the examination fees in the second year.

Note.—The following examinations only should be regarded as involving a two years' course of study:—M.A., B.A., I.A. and I.Sc.

- (viii) The Commandant has *absolute discretion* to grant or refuse study allowance, according as whether he is or is not satisfied, that a detenu is a *bona fide* student, and may grant or refuse advances of study allowance according as whether he is or is not satisfied that a detenu requires such an advance for the purchase of books.

- (ix) In the case of the following examinations, study allowance for one year only should be granted and if a detenu fails in his first attempt, Government will not give him any study allowance for his second attempt but will pay the whole of his examination fees for the second attempt:—

- (1) Matriculation Examination.
- (2) All examinations of the Government Commercial Institute except Registered Auditors Examination.
- (3) Sanskrit Examinations.
- (4) Muktearship Examination.
- (5) Revenue Agentship Examination.
- (6) Law Examinations.
- (7) Dacca School of Engineering Examinations in which the text-books are practically the same from year to year.

In regard to the rest of the examinations in which a detenu is known to have failed to pass on two or more occasions, study allowance shall not be allowed unless the Commandant is satisfied that the detenu made a genuine attempt to pass those examinations. Such cases shall be reported to Government.

- (x) Balances of study allowance remaining at the end of any year may be used in the following year at the discretion of the Commandant. In case of release or transfer to domicile, any balance of study allowance which remains to the credit of a detenu will lapse to Government. When a detenu is transferred to domicile before sitting for an examination for which he has received an advance of study allowance, the advance will not be recovered from him. The amount outstanding shall be reported to Government and will then be written off. Any books received for a detenu out of his study allowance after his transfer shall be sent on to him at his new address.

- (xi) Detenus may be allowed to purchase books from one another for the purpose of studying for an approved examination,

and in such cases the detenu from whom the books are purchased may be allowed the cost of such books by credit to his account and debit to the account of the purchaser, at the discretion of the Commandant.

(xii) Fees for obtaining certificates and diplomas may not be paid out of the study allowance, but may be met from the detenu's personal allowance, if the detenu so desires.

(xiii) The Commandant is vested with discretion to sanction the study allowance with retrospective effect (either from 1st June or date of arrest as the case may be) in cases in which he is fully satisfied that the detenu is really anxious to study and will be seriously handicapped if he is not granted the allowance retrospectively; but retrospective sanction should not be given (a) if a detenu has been arrested after 30th September, as he may then be presumed to have commenced his studies and bought his books, or at any rate a good number of them, before his arrest and it should be possible for him to obtain these books and to procure others from the allowance to which he becomes entitled from the date of his admission into a camp; (b) when a detenu has been transferred after the end of December, as it is then too late for him to prepare for his examination. A list of cases in which retrospective sanction has been given should be submitted to Government by the first week of January for sanction.

(Government order No. 16681-3X, dated the 14th May 1934, Government order No. 28525-27X, dated the 21st July 1934, Government order No. 36619-21X, dated the 11th September 1934 and Government order No. 24452-5X, dated the 6th August 1935.)

Note.—When study allowance is granted to detenues in Jails these instructions should be followed as far as possible. The reason for the differentiation between Jails and Camp is that detenues are seldom confined in Jails for long periods after orders have been passed by Government under section 2(I) of the Bengal Criminal Law Amendment Act, 1930.

Section IX.—Tuition by Correspondence.

56. Detenus in Detention Camp may take up correspondence courses of study, subject to a maximum of 5 per cent. of the number in the Camp.

57. The conditions attached to this form of study are,—

- (i) the Institution which is to provide the tuition shall be previously approved by Government in each individual case;
- (ii) the detenu shall pay all tuition fees, and will not be entitled to any advance of monthly allowance for this purpose;
- (iii) the detenu shall pay such proportion of the examination fees as Government may fix after receiving particulars of those fees. Ordinarily Government will pay half the examination fees; but if in any case Government consider the fees excessive, they will pay such proportion of the fees as they consider reasonable;

- (iv) any course of tuition may be stopped by Government at any time at the risk of the detenu.

(Government order No. 1114-16X, dated the 12th January 1934.)

Section X.—Writing Materials.

58. Pencil and pens and ink may be allowed to detenus, and shall be paid for out of their monthly allowance.

59. Loose paper shall only be supplied to detenus for the purpose of writing the permissible number of letters (*vide* Rule 65). For all other purposes ordinary school exercise books shall be supplied, and the pages shall be numbered. The extraction of pages from exercise books shall be treated as a breach of Jail or Camp discipline, and shall be dealt with accordingly. The cost of all paper and exercise books supplied to detenus shall be met out of their monthly allowance.

Note.—In writing letters, detenus may use the two sides of half-foolscap paper, or the four sides (two pages) of ordinary note paper.

(Government order No. 28685X, dated the 24th July 1934.)

Section XI.—Newspapers, Magazines and Books.

60. A list of the newspapers, periodicals and magazines which may be allowed to detenus at their own cost is contained in Appendix C. No other publications of this description shall be allowed except under the orders of Government.

Note.—The outer page of advertisements may be retained at the discretion of the Superintendent or Commandant if he is of opinion that it cannot be removed without involving the removal of matter other than advertisements."

61. In addition to the newspapers and magazines shown in Appendix C, books whether in English or the vernaculars, may be allowed to detenus from outside sources or from the Jail or Camp library (if any), provided the Superintendent or Commandant considers them suitable.

62. Books on Socialism, Bolshevism and Communism should not be allowed to detenus except such (a) as have been prescribed by the University for examinations or (b) as have been written by authors whose names are an adequate guarantee of a balanced treatment of the subject. In cases of doubt as to whether a book comes under category (b) the usual rule about a reference to Deputy Inspector-General of Police, Intelligence Branch, Criminal Investigation Department, Bengal, should be followed.

(Government order No 40800X, dated the 19th December 1935.)

63. If the Superintendent or Commandant has any doubt as to the propriety of any book or magazine, he shall refer the matter to the Bengal Librarian, Writers' Buildings, Calcutta, for report, in the case of Bengali books, and to the Deputy Inspector-General of

Police, Intelligence Branch, Criminal Investigation Department, Bengal, for decision in all other cases. Superintendents and Commandant will be guided as far as possible by the Bengal Librarian's report on Bengali books and that Officer shall send copies of his reports to the Deputy Inspector-General of Police, Intelligence Branch, Criminal Investigation Department, Bengal, for his information.

Note.—It is desirable that detenus should be encouraged to read suitable literature and as far as practicable they should be given every facility to obtain it. An arrangement has been made with the Imperial Library, Calcutta, whereby the following Jails and Detention Camp may obtain from the library the number of books stated against each without payment of any subscription or deposit :—

Berhampore Detention Camp	140
Presidency Jail, Calcutta	30
Dacca Central Jail	10
Midnapore Central Jail	2

The Librarian has also been instructed to supply books to jails not mentioned above, at the rate of two books per detenu, when requisitioned for by the Superintendent of the Jail concerned.

The conditions on which this concession has been granted are that—

- (i) The Superintendent and Commandant shall be personally responsible for the return of the books by the due date,
- (ii) All postage charges shall be borne by Government, and
- (iii) Any loss or damage shall be borne by Government.

In case of wilful damage the cost will be recovered from the detenus concerned.

(Government order No. 4038X, dated the 7th February 1934, Government order No. 6667X, dated the 27th February 1934 and Government order No. 28168X, dated the 13th July 1937.)

Detenus should not be allowed to correspond with the Imperial Library, and in view of the special arrangement referred to above will in future not be allowed to make private deposits for books. The library is not concerned with the censoring of literature and should not be addressed on this subject.

(Government order No. 42327-31X, dated the 26th October 1934.)

64. Detenus may take up the study of any foreign language except Nepali, and may be allowed the necessary grammar, dictionaries, and the text books prescribed by any Indian university in that language without reference to Government or the Deputy Inspector-General of Police, Intelligence Branch, Criminal Investigation Department, Bengal.

Periodicals in foreign languages should not be permitted, and if there is doubt about any book other than those mentioned above the Deputy Inspector-General of Police, Intelligence Branch, Criminal Investigation Department, Bengal, shall be consulted.

(Government order No. 11756-61X, dated the 6th April 1932.)

Section XII.—Correspondence and Censorship.

65. Detenus may write three letters per week, not more than one letter shall be allowed in one envelope save in special circumstances at the discretion of the Superintendent or Commandant,

66. Detenus may receive as many letters as are addressed to them subject to the provisions of Rule 69.

67. No detenu may correspond with another detenu, or with a State prisoner, or a convicted prisoner, save with the special sanction of Government, nor may he refer to any other detenu or State prisoner in his correspondence.

(Government order No. 12687-89X, dated the 18th April 1932.)

68. When a detenu fails to write to his relatives without due cause, and any enquiry as to his well-being is received either direct or through Government, the enquiry shall be replied to by the Superintendent or Commandant by registered letter, with acknowledgment due, the cost of which shall be debited to the detenu's account.

(Government order No. 29210-12X, dated the 26th July 1934.)

69. All correspondence (including telegrams) to and from detenus shall be examined, and if any communication contains matter which in the opinion of the censoring officer is likely to be detrimental to the public interest or safety, or to the discipline of the Jail or Camp, it may be censored or withheld. All communications which are not withheld shall be made over to the addressees or sent on to their destination, as the case may be, with the least possible delay.

70. In the case of Camp, the censoring of correspondence shall be done by the Commandant or by an officer specially appointed by him in this behalf, while in the case of Jails outside Calcutta, the correspondence of detenus shall be examined by the Superintendent of the Jail who may delete or mark for deletion any portion which is objectionable from the point of view of Jail discipline and shall then send on the communications to the Superintendent of Police of the district, or in his absence the Additional Superintendent of Police, who shall censor and send on the communications or withhold them in the manner directed above. In cases of doubt, the Camp Commandant and Superintendent of Police, shall refer the matter to the Deputy Inspector-General of Police, Intelligence Branch, Criminal Investigation Department, Bengal.

71. In the case of the Alipore Central Jail and the Presidency Jail, the correspondence of detenus shall be censored by the Deputy Inspector-General of Police, Intelligence Branch, and the Deputy Commissioner, Special Branch, Calcutta, respectively.

72. The censoring of correspondence shall be carried out as expeditiously as possible, and all letters which have passed through the censor's hands shall be initialled and dated by that officer.

Note.—Correspondence may be censored either by deleting or cutting out the offending portions. To enable this to be done without unnecessary mutilation, detenus should be advised to write their letters on one side of the paper only, and to ask their correspondents to do the same.

73. Detenus shall attach to all their outgoing correspondence (including telegrams) a slip containing the full name and address, and relationship, of the addressee, and of each person mentioned in the letter or telegram. These slips shall be sent to the Deputy Inspector-General of Police, Intelligence Branch, Criminal Investigation Department, Bengal, Calcutta, who, if he considers that the writer should not

be allowed to correspond with the addressee, shall inform the Superintendent or Commandant, for his future guidance.

(Government order No. 4583-SX, dated the 21st February 1933.)

74. When a letter or telegram to or from a detenu is withheld, the detenu shall be informed, and the letter or telegram shall be sent to the Deputy Inspector-General of Police, Intelligence Branch, who may either retain it or destroy it.

75. Nothing in these orders shall be held to refer to communications from detenus to Government which, subject to the orders contained in Rules 185-189, shall be sent on at once through the proper channels.

Section XIII.—Interviews.

76. Detenus may have one interview a fortnight, and with not more than three persons at a time. The Commandant may allow additional interviews at his discretion provided the safety of the Camp is not endangered.

Note.—Children under 7 years of age are not included in the limit of three persons.

77. Interviews with detenus shall not be allowed for more than half-an-hour except in the case of relatives when one hour may be allowed.

78. Two days a week shall be fixed for interviews in the Presidency and Alipore Central Jails in Calcutta, and one day a week in all other Jails. In the case of Camp, the Commandant has direction to fix such days in the week for interviews as he considers necessary.

79. The Superintendent and Commandant may use their discretion as to the place, manner, and times of the interviews, provided that every interview shall take place in the presence of an officer deputed by the Superintendent of Police in the case of mufassal Jails, the Deputy Commissioner of Police, Special Branch, in the case of Calcutta Jails, and the Commandant in the case of Camp, and that officer may terminate the interview if the conversation turns on any undesirable subject. Detenus and their interviewers shall be provided with chairs.

80. In special cases the Deputy Inspector-General of Police, Intelligence Branch, Criminal Investigation Department, Bengal, may, in consultation with the Superintendent or Commandant concerned, increase the number of interviews allowed and the number of persons permitted to be present at each.

81. Applications for interviews from persons other than police officers, shall be made, as far as possible, in the form prescribed in Appendix D, fifteen days before the interview is desired.

82. Applications for interviews with detenus in Jails shall be forwarded to the local Superintendent of Police in the case of all Jails other than the Alipore and Presidency, to the Deputy Inspector-General of Police, Intelligence Branch, Criminal Investigation Department, Bengal, in the case of the Alipore Central Jail; and to the Deputy Commissioner of Police, Special Branch, Calcutta, in the case of the Presidency Jail. Subject, in the case of Jails outside Calcutta, to the

consent of the District Magistrate, such police officers may either allow or refuse to allow the interview. If there is disagreement between the District Magistrate and Superintendent of Police, in regard to the grant or refusal of an interview the matter shall be referred to the Deputy Inspector-General of Police, Intelligence Branch, Criminal Investigation Department, Bengal.

83. Applications for interviews with detenus in Camp shall be forwarded to the Deputy Inspector-General of Police, Intelligence Branch, Criminal Investigation Department, Bengal, through the Superintendent or Additional Superintendent of Police of the district in which the applicant is resident, or, if he is resident in Calcutta, through the Deputy Commissioner of Police, Special Branch, Calcutta, and the Deputy Inspector-General of Police, Intelligence Branch, Criminal Investigation Department, Bengal, who may grant or refuse the interview, or refer the matter to Government.

84. Whenever an interview is refused the fact together with the reasons for the refusal shall be reported to Government.

Section XIV.—Police Interviews.

85. The following police officers are permitted, either singly or together, and accompanied or unaccompanied by subordinate police officers, to interview any detenu in a Jail or Camp on their making a written requisition to this effect:—

- (1) Inspector-General of Police, Deputy Inspectors-General of Police, Special Superintendents, Deputy Superintendents, and Special Assistants of the Intelligence Branch of the Criminal Investigation Department, Bengal, Superintendents and Additional Superintendents of Police, and any other police officer specially authorised in this behalf by the Deputy Inspector-General of Police, Intelligence Branch, Criminal Investigation Department, Bengal.
- (2) Deputy Commissioners and Assistant Commissioners of Police, Special Branch, Calcutta, and any officer of the Special Branch of the Calcutta Police specially authorised in this behalf by the Commissioner of Police, Calcutta.

86. Interviews will normally be held in a room appointed for the purpose by the Superintendent or Commandant, but the above-mentioned police officers may interview any detenu in his ward, barrack or cell on their making a written requisition to this effect at the time of the interview. Police officers visiting detenus in their wards, barracks or cells or within the detenu's enclosures, shall accept and be accompanied by such escort as the Superintendent or Commandant, or in his absence the officer in charge of the Jail or Camp considers necessary for their safety, and shall in other respects have due regard to any advice tendered to them by the Superintendent or Commandant regarding the manner, time and place of conducting an interview under this rule. The escort, if the police officer so requires, shall stand out of earshot, but within sight, while he is speaking to any of the detenus.

87. In the case of other police officers who may be allowed by Government or the District Magistrate to interview detenues, permission to interview them alone or in their wards, barracks or cells shall only be granted if the request is endorsed by the authority sanctioning the interview.

Section XV.—Exercise and Games.

88. Facilities for exercise in the open air shall be allowed to all detenues for at least one hour and a half in the morning and one hour and a half in the evening of each day.

89. Arrangements for games shall be made at the discretion of the Superintendent or Commandant with due regard to the maintenance of Jail or Camp discipline, and the safe custody of the detenues.

Note.—Suitable outdoor games are tennis, badminton and volley ball. Where the necessary space is available, football and hockey may also be allowed, but when not in use all hockey sticks shall be kept in the custody of the Superintendent or Commandant. Physical drill may be encouraged but parades which involve advances in skirmishing order, the use of sticks to take the place of rifles, flag saluting ceremonies, etc., should on no account be permitted. In addition to outdoor games, indoor games such as chess, carrom, draughts, dice and cards may be allowed.

(Government order No. 19099-102X., dated the 28th May 1934.)

90. When games are being played, the detenues shall be allowed to associate freely with one another provided that the Superintendent or Commandant may regulate at his discretion the number of detenues allowed facilities for exercise at one time having due regard to the arrangements required for guarding and supervision.

91. An annual grant is made to every Jail and Camp for the provision and maintenance of games and sports gear and the Superintendent and Commandant may spend up to the limit of this grant without reference to Government.

(Government order No. 19401-4X, dated the 18th June 1935.)

92. In addition to games, detenues may be permitted to engage in any other form of useful occupation but on no account shall they be employed on any office or clerical work.

Section XVI.—Religious Observances and Sradh Ceremonies.

93. All reasonable facilities shall be given to detenues to perform private worship. In cases of doubt, the orders of Government shall be taken, through the Inspector-General of Prisons in the case of Jails.

94. Subject to the orders of the Inspector-General of Prisons in the case of Jails, detenues may be allowed to observe the Durga, Saraswati and other Pujas at the discretion of the Superintendent or Commandant having due regard to considerations of discipline and security. In no circumstances, however, will Government sanction any expenditure for the celebration of these Pujas.

(Government order No. 4174X, dated the 27th August 1930.)

95. Government will not bear any portion of the cost of the annual Sradh ceremonies of deceased relatives of detenus but have no objection to such ceremonies being performed in Jails and Camp provided the expenses are met out of the personal allowances of the detenus concerned.

96. In the case of the first Sradh ceremony of the father or mother of a detenu who is the eldest son, the Superintendent and Commandant may pay the cost up to a maximum of Rs. 30 (subject to budget allotments) without reference to Government, and shall afford all reasonable facilities to enable the ceremony to be performed within the precincts of the Jail or Camp.

97. Outside priests not exceeding two at a time may be allowed to enter a Jail or Camp at the discretion of the Superintendent or Commandant and with the previous approval of the District Magistrate or Superintendent of Police, or in their absence, the officer in charge of the district, for the purpose of performing Sradh ceremonies, or in connection with the observance of the Durga and Saraswati Pujas.

98. In no circumstances shall any detenu in a Jail or Camp be permitted to leave the precincts of the Jail or Camp in connection with the performance of a Sradh ceremony or any other religious observance.

(Government order No. 20443-7X, dated the 19th July 1933, and Government order No. 48401-04X., dated the 7th December 1934.)

Section XVII.—Visiting Committees and Visitors.

99. Under section 11 (1) of the Bengal Criminal Law Amendment Act, 1930, Visiting Committees have to be appointed for each Jail and Detention Camp. Each Committee shall consist of two non-officials who shall ordinarily be Indians, and residents of the district concerned. Their functions are prescribed in the Visiting Committees' Rules (*vide* Notification No. 6154X, dated the 19th October 1930—Part II, Section A of this Manual).

100. If any member of a Visiting Committee ceases to act as a visitor for any reason, the District Magistrate shall at once submit a recommendation to Government for the appointment of a successor. (*Cf.* Rule 137.)

101. Members of the Visiting Committees should record their remarks in a special book to be kept in the custody of the Superintendent or Commandant, and copies of their remarks shall be forwarded by the Superintendent or Commandant with any comments or explanations he may desire to make to the Local Government, the Inspector-General of Prisons and the District Magistrate in the case of Jails, and to the Local Government, the Deputy Inspector-General, Intelligence Branch, Criminal Investigation Department, Bengal, and the District Magistrate in the case of Camp.

102. Members of the Visiting Committees may be paid travelling allowance at second class rates and daily allowance at Rs. 3 per day if and when necessary.

103. In addition to the Visiting Committees, the Commissioners of Divisions and District Magistrates shall be special visitors in the case of detenus confined in Jails and Camp within their respective

divisions and districts, and the Commissioner of the Presidency Division and the Chief Presidency Magistrate, Calcutta, shall be official visitors to the detenus confined in the Presidency Jail, Calcutta. District Magistrates and the Chief Presidency Magistrate, Calcutta, shall visit the detenus in their respective Jails and Camp not less than once a quarter, and submit full reports of their visits to Government.

Section XVIII.—Discipline and Searches.

104. All detenus confined in Camp are subject to the statutory rules contained in paragraph II of Notification No. 20605X., dated the 25th November 1931, and those who are held under section 2 (1) of the Bengal Criminal Law Amendment Act are bound to obey those rules under the terms of the orders served on them under that section, under pain of prosecution under section 6 of the Act. Details in jails are ordinarily subject to the discipline imposed on civil prisoners as laid down in Jail Code Rule 1004.

Note.—(i) Detenus who are held in custody under section 4 of the Bengal Criminal Law Amendment Act, 1930, are subject to the same rules and orders as detenus against whom orders have been passed by the Local Government under section 2(I) of the Act, but may not be prosecuted for violation of the statutory rules.

(ii) For orders regarding prosecutions, see Rule 194.

105. Detenus must conform to Jail or Camp routine in the matter of bathing, meals, etc., and should be confined in their quarters for a period in the middle of the day if the Superintendent or Commandant considers it necessary. Detenus in Jails should be locked up within one hour of ordinary prisoners, and detenus in Camp should be in their quarters by 6 p.m.

Note.—For punishments on account of breaches of the rules of discipline see Rules 200-203.

106. In the case of Jails, every detenu and his cell or ward shall be searched not less than once a week, and oftener if the Superintendent considers it necessary, by the Jailer, or Deputy Jailer, or European Warder, or Additional Chief Head Warder, as detailed by the Superintendent. Special precautions shall be taken to make the searches thorough, and the fact of each search shall be noted in the Jailer's report book.

107. In the case of detenus in Camp, the barracks occupied by the detenus, and their persons and belongings shall be searched periodically at times to be fixed by the Commandant, and care shall be taken to ensure that the searches are thorough, and effective, and that a record is kept of them.

108. The Superintendent or Commandant may at any time require any person, whether or not he is a detenu, entering or leaving the detenus' enclosure or the precincts of the Jail or Camp, to submit his person and anything that he is carrying to inspection or search.

109. Detenus and their baggage shall be searched on entering and leaving the Jail or Camp on admission, leaving, transfer or release.

110. Detenus shall be searched before and after interviews, and at any time the Superintendent or Commandant, considers it necessary.

Section XIX—Hunger Strikes.

111. Hunger-striking is a breach of Rule II (5) of the Statutory Rules applicable to detenus in camp (*vide* Notification No. 20605X, dated the 25th November 1931, as amended by Notification No. 21564X, dated the 17th June 1936), or when a detenu is held in jail under sections 2 or 4 of the Bengal Criminal Law Amendment Act, 1930, of Jail Code Rule 694 (17) and (39), and is punishable under section 6 of the Bengal Criminal Law Amendment Act, 1930, or section 52 of the Prisons Act, as the case may be.

When a detenu goes on hunger-strike an immediate enquiry should be made into his grievances and all genuine grievances should be remedied as far as possible. If the grievances of a detenu who goes on hunger-strike are found, after enquiry, to be unjustified or frivolous, he shall be warned at once that he is liable to prosecution. If after due warning a detenu persists in a hunger-strike, the Commandant and Superintendent have full discretion to prosecute him under section 6 of the Bengal Criminal Law Amendment Act, 1930, or section 52 of the Prisons Act, as the case may be, or to take such other disciplinary action against him as they may deem desirable.

112. Detenus on hunger-strike shall be isolated as far as possible from other detenus, and also from one another. If this is not practicable, steps shall be taken to isolate the leaders.

113. It is the duty of the Jail or Camp Medical Officer to do what he reasonably can to keep a detenu who is on hunger-strike in health and save him from death and no criminal prosecution or civil action would be sustainable against a Medical Officer either for administering or not administering artificial feeding at any stage, provided the Medical Officer was of the honest opinion, reached with due care and attention, that the treatment given was in the best interest of the detenu's health. Artificial feeding should therefore be resorted to when necessary. Having regard to the different temperaments and constitution of individuals no fixed rule can be laid down as to when artificial feeding should be resorted to, and Medical Officers have full discretion to decide this question. It is desirable, however, that in the exercise of this discretion they should give careful consideration to the advantages of starting artificial feeding at an early stage and to the disadvantages of delaying it until the patient is in imminent danger of collapse.

114. When detenus in jails are prosecuted for hunger-striking, the trial shall ordinarily be held in the jail. In the case of detenus in Camp, the trial shall ordinarily be held in the District or Central Jail to which the detenu is committed when the complaint is lodged (*vide* Rule 194).

115. As little publicity as possible shall be given to hunger-strikes, but in cases in which it becomes clear that the condition of a hunger-striker is likely to take a serious turn, the relatives of the detenu shall be informed.

116. Particulars of all hunger-strikes or threats to go on hunger-strike, shall be forwarded simultaneously to Government and the Inspector-General of Prisons, Bengal, in the case of jails and shall include a

statement of the alleged grievances, the comments of the Superintendent or Commandant on those grievances, and the action which has been taken or is proposed to be taken in the matter, and the reasons therefor.

If the condition of the hunger-striker becomes serious, a full report on the state of health should be submitted twice a week to Government and to Inspector-General of Prisons, Bengal, in case of detenus in jails. The termination of a hunger-strike and the circumstances in which it was abandoned should similarly be reported without delay.

(Government order No. 15063-89X, dated the 11th May 1936.)

Section XX.—Leave.

117. When a detenu is allowed leave for any purpose, he shall be paid by the Superintendent or Commandant a special allowance of annas 8 per day during his absence from the Jail or Camp, and shall not be entitled to the daily or monthly allowance prescribed for detenus in Jail and Camp.

Note.—The special allowance of annas 8 per day may be paid in advance.

(Government order No. 8506-32X, dated the 12th March 1936.)

Section XXI.—Powers of Attorney, and Civil Suits.

118. Every reasonable facility shall be afforded to detenus to execute and register powers of attorney for the management of their property. In such cases Government will bear the cost of execution and registration, excluding Pleader's fees which shall be paid by the detenu or his family.

119. The Superintendent and Commandant are authorised to pay the cost of execution and registration of powers of attorney (excluding Pleader's fees) up to a maximum of Rs. 30 (subject to budget allotments) without reference to Government.

(Government order No. 3096 X., dated the 7th February 1933, and Government order No. 48401-02 X., dated the 7th December 1934.)

120. When a civil suit is instituted against a detenu, the following facilities, if necessary, besides those mentioned above may be granted to him by the Commandant, or Superintendent in order to enable him to defend his suit:—

- (i) the writing of more letters than are ordinarily allowed under the existing rules;
- (ii) additional interviews, if necessary, for the purposes of defending the suit.

Note.—No prayer for moving the Court for postponement of the suit should however be entertained.

(Government order No. 5312X, dated the 16th February 1934.)

Section XXII.—History Tickets.

121. A history ticket in Bengal Jails form No. 5080 shall be maintained for each detenu in a Jail or Camp on which shall be entered by, or with the authority of, the Superintendent or Commandant:—

- (a) the detenu's name, age, weight and condition of health on admission,
- (b) all instances of misconduct, and breach of rules, and the punishments or warnings given,
- (c) all orders of the Superintendent or Commandant allotting him to a cell or ward, and affecting the manner of his custody,
- (d) the despatch of any petition to Government and the receipt of orders from Government on the petition.
- (e) the withholding of any petition to Government, and the reasons therefor,
- (f) particulars of interviews allowed,
- (g) notes regarding his correspondence, censorship, etc.,
- (h) notes regarding University or other examinations taken, and the results,
- (i) despatch to a Court, transfer, discharge or death, and
- (j) such other particulars as the Superintendent or Commandant may from time to time direct.

Note.—No article should be passed into the possession of a detenu for his use (other than the standard articles of equipment) without the orders of the Superintendent or Commandant. Such articles shall be briefly noted on his history ticket when passed.

(Government order No. 22667-721X, dated the 18th July 1934.)

122. When a detenu is transferred to another Jail or Camp, or to village or home domicile, his history ticket shall be forwarded to the receiving office without delay. In the case of conditional or unconditional release, the history ticket shall be sent to the Superintendent of Police of the detenu's home district. (*Cf.* Rules 191 to 193.)

Section XXIII.—Photographs, Finger Prints and Handwriting.

123. Under section 7 of the Bengal Criminal Law Amendment Act, 1930, persons in respect of whom orders have been made under section 2 (1) of the Act are bound to permit themselves to be photographed, to allow their finger impressions to be taken, to furnish specimens of their handwriting and signatures and to attend at specified times and places for these purposes, on the direction of any officer specially authorised in this behalf. The Superintendent and Commandant shall afford officers who have received this authority every facility to enable them to carry out their duties in this matter.

Note.—The officers authorised to make the directions referred to in this rule will be found in notification No. 9703X, dated the 6th December 1930 (*vide* section A. Part II of this Manual).

Section XXIV.—Temporary Transfer to a Jail or Camp.

124. When a detenu in domicile is transferred temporarily to a Jail or Camp for any reason, he will not be entitled to his domiciliary allowance for the period of his confinement, but shall draw the usual daily and monthly allowances prescribed for detenus in the Jail and Camp, provided that he shall not draw more than half the monthly allowance unless he remains in the Jail or Camp for more than 15 days continuously.

Section XXV.—Private Funds.

125. The practice of allowing detenus to receive money from relatives may continue but following rules should be observed in regard to the disposal of private funds received on behalf of detenus:—

- (i) The Commandant and the Superintendent shall have full discretion to allow or disallow the purchase of any articles for which requisitions are received, in the interests of the detenus themselves, or for the security of the camp and jail.
- (ii) Requisitions by detenus from private cash should be allowed only once a month.
- (iii) Requisitions should not ordinarily be allowed for the purchase of expensive articles, such as wrist watches, gold buttons and studs, and high-priced fountain pens which may be misapplied.
- (iv) Expenditure may be allowed for games, sports, purchase of books, or part payment of examination fees.
- (v) Such money should not be allowed to be given as loans to other detenus, nor to be sent to any person except to the actual remitter.

(Government order No. 22645-8X, dated the 16th July 1935.)

Chapter 3.—Village Domicile.

Section I.—Bashas.

126. *Bashas* for detenus domiciled in villages away from their homes shall be constructed or hired with the sanction of Government, and may be single, double or triple.

127. *Bashas* shall ordinarily consist of a living room, a cookshed, and where necessary, a latrine. The following specifications shall be adhered to as far as possible:—

- (a) Thatched hut on mud plinth 2 feet high with verandah on one side 5 to 6 feet wide.
- (b) Walls to be of double bamboo matting, or mud, or matting and mud; main supports to be of seasoned bamboo; ceiling to be of bamboo matting on split bamboos.

- (c) One door on to verandah and windows 1 foot \times $1\frac{1}{2}$ feet in each outer wall; doors and windows to be of bamboo poles and matting.
- (d) The living room to be 10 to 12 feet square and 10 to 12 feet high.

The cookshed, and latrine (where provided), shall be built on similar lines, and at a convenient distance from the *basha*.

Note.—In some districts it will be advisable to use corrugated iron for the roofing of *bashas*.

(I. B. Letter No. 6229-55/323-24, dated the 13th June 1925.)

128. As far as possible all *bashas* shall be situated in reasonably healthy localities away from railway and steamer stations, bazars and thickly populated areas, and at least $\frac{1}{4}$ of a mile from schools or other educational institutions. It is desirable that they should be within easy reach of a dispensary, but this is not essential if there is a local medical practitioner in the vicinity. Where the question of a water-supply presents difficulty, the feasibility of providing a ring-well should be considered.

It is not essential that every *basha* should be in the *immediate* vicinity of a thana. It will be sufficient, as a rule, if each *basha* is within a quarter of a mile of the local police-station.

129. The cost of construction of a single *basha*, and the monthly rent of a hired single *basha* shall not ordinarily exceed Rs. 200 and Rs. 10 respectively, and these charges shall be met by the Superintendent of Police, with the sanction of Government.

Note.—(i) The cost and rent of double or triple *bashas* should not exceed double or treble these amounts.

Note.—(ii) When it is proposed to construct a *basha* on Public Works Department land, the Executive Engineer, Public Works Department, should be consulted before construction.

130. Ground rent for *bashas* and *chaukidari* or municipal taxes are charges on Government and may be met by the Superintendent of Police without reference to Government.

131. The cost of repairs to *bashas* not exceeding Rs. 30 per single, Rs. 50 per double or Rs. 70 per triple *basha* in any one year may be paid by the Superintendent of Police without reference to Government.

132. Each *basha* shall be furnished at a cost not exceeding Rs. 60 for a single, Rs. 110 for a double or Rs. 150 for a triple *basha*. These charges may be met by the Superintendent of Police without reference to Government.

133. Superintendents of Police may sanction and pay for renewals of furniture in *detenus'* *bashas* up to Rs. 5 per single, Rs. 10 per double and Rs. 15 per triple *basha*, per year.

(Government order No. 49211-62X, dated the 13th December 1934, and Government order No. 42376-427X., dated the 4th December 1934.)

Section II.—Restrictions.

134. The orders domiciling a detenu in a village contain clauses restricting his movements to a certain area and regulating his conduct generally. As these orders are passed under section 2 (1) of the Bengal Criminal Law Amendment Act, 1930, wilful breach of any of the clauses renders the detenu liable to prosecution.

Note.—For orders regarding prosecutions for offences under section 6 of the Bengal Criminal Law Amendment Act, and for other non-bailable and cognizable offences, see Rule 194.

Section III.—Visiting Committees.

135. Visiting Committees are appointed by Government for all detenus in village domicile under section 11 (1) of the Bengal Criminal Law Amendment Act, 1930, and when orders issue for the transfer of a detenu to village domicile, the District Magistrate is asked to nominate suitable persons as members of these Committees. Each Visiting Committee shall consist of two non-official Indians who are willing and able to act as visitors, and whose ordinary place of residence is within reasonable distance of the *bashas* of the detenus whom they are to visit.

136. The functions of the Visiting Committees are prescribed in the Visiting Committees Rules issued under Notification No. 6154X., dated the 19th October 1930, and a copy of these Rules shall be made over to each visitor at the time of his appointment (*vide* Part II, Section A of this Manual).

137. When any member of a Visiting Committee resigns, leaves the locality, dies or for any other reason ceases to perform his duties, the District Magistrate shall at once submit a report to Government with his recommendation regarding a successor. (*Cf.* Rule 100.)

138. Members of Visiting Committees may be paid travelling allowance at second class rates and daily allowance at Rs. 3 per day, if and when necessary. (*Cf.* Rule 171.)

Section IV.—Allowances.

139. Under section 12 of the Bengal Criminal Law Amendment Act, 1930, Government are bound to make to every detenu in village domicile a monthly allowance in cash or in kind or both for his support. A scale of domiciliary allowance has been approved by Government for each district and is shown in Appendix H. The power of sanctioning or withdrawing such allowance at the rate sanctioned for the district has been delegated to the District Officer. When the District Officer considers enhancement of a detenu's allowance over this standard rate necessary on special grounds, e.g., ill health, etc., orders of Government should be obtained.

(*Government order No. 32503-28X, dated the 21st September 1936.*)

140. Domiciliary allowances should be sanctioned with effect from the date of the detenu's arrival in the district of domicile, or if he is already in a Jail or Camp in that district, from the date of his departure from the Jail or Camp. Such allowance should be withdrawn from the date on which the detenu leaves the district or is sent to a jail. The Accountant-General, Bengal, should be informed when an allowance is sanctioned or withdrawn by the District Magistrate.

141. Domiciliary allowances shall be paid by District Magistrates monthly in advance from the allotments made to them under the head "57—Miscellaneous" and shall be remitted to the grantees by money order, the cost of which shall be borne by Government.

Note.—On a detenu's first arrival in the district, his first month's allowance should if necessary be paid to him in cash.

(Government order No. 24780-830X, dated the 14th July 1934, and Government order No. 39369-95X, dated the 27th September 1934.)

142. A detenu who is transferred to village domicile before the whole of his initial allowance has been paid to him, or who is interned directly in a village, is entitled to initial allowance in accordance with the terms of Rules 11 and 13-16.

(Government order No. 36149/205X, dated the 6th December 1933, and Government order No. 3559X, dated the 7th February 1934.)

Section V.—Medical.

143. In the case of minor ailments, a detenu in village domicile shall be given facilities to go to the nearest dispensary or to see a local doctor, while in the case of more serious ailments, or when he is unable to move, he shall be given facilities for calling in a local doctor, if necessary through the intervention of a Government officer.

144. When facilities are given to a detenu to call in a doctor through the intervention of a Government Officer, the facts shall be reported to the Subdivisional Officer or District Magistrate, and whenever possible the latter's prior sanction shall be taken.

Note.—In such cases the Superintendent of Police should see that the claims of the doctor are settled before the detenu leaves his domicile.

(Government order No. 21381-5X, dated the 17th June 1936.)

145. In cases requiring prolonged indoor treatment or pathological or clinical examination, arrangements shall be made for the detenu to be brought to the nearest hospital, or, if necessary, to a civil hospital but not to a jail or police hospital save in cases of grave urgency.

Note.—The detenus should be treated in general wards instead of in cabins, unless for medical reasons or for reasons of security, the local officers consider this inadvisable.

(Demi-official No. 32429-54X, dated the 22nd September 1936.)

146. In all cases of serious illness or death, action should be taken in the manner directed in Rules 34 and 35.

147. The cost of all medicines and medical treatment obtained by a detenu *while at his place of domicile* shall, as a general rule, be met from his domiciliary allowance. There is no objection to such charges being met by the District Magistrate in the first instance where this seems necessary, but they shall be recouped from the detenu's allow-

ance, in small instalments, unless such recovery would cause real hardship in which case the facts shall be reported to Government for orders.

Note.—These orders are based on the principle that while detenus in village domicile are entitled to receive facilities for obtaining medical advice and treatment of a type similar to those which would have been open to them had they not been under restraint, they are not entitled to regard themselves, or to be treated, as wards of the State, and it should always be considered whether their private means or domiciliary allowance are sufficient to enable them to pay their medical expenses wholly or in part.

148. When a detenu is detained in a hospital, the hospital charges, excluding doctors' fees, which Government medical officers are not entitled to charge in such cases, but including the cost of clinical and laboratory examinations, will be met by Government but the detenu will not be entitled to his monthly allowance, during his stay in the hospital, a special hospital allowance of annas 3 per day being substituted to meet the cost of such requirements as stamps, writing paper and toilet requisites.

149. For ocular and dental treatment a detenu may be permitted to come to Sadar when the District Magistrate is satisfied that suitable treatment cannot be made available at his place of domicile and that the detenu's general health is suffering in consequence, the cost of such treatment being met from his domiciliary allowance in the ordinary way. If there is no oculist or dentist at Sadar, the Civil Surgeon shall attend to him.

150. For the purpose of meeting the expenditure referred to in Rules 147 and 148 above, District Magistrates are authorised to sanction expenditure up to Rs. 100 per detenu per annum and to pay the hospital allowance of annas 3 per day per detenu without reference to Government.

151. In all ordinary cases a detenu shall be treated in the district in which he is domiciled and Government will not sanction the transfer of detenus in village domicile to Calcutta for specialist examination and treatment either at the Presidency Jail or the Medical College Hospitals, save in exceptional circumstances when the Civil Surgeon certifies that specialist treatment is imperative in the interests of the detenu's health.

152. District Officers and Superintendents of Police should visit detenus in village domicile during their tours as far as possible. Sub-divisional Officers, Assistant Superintendents of Police, Circle Officers and Inspectors of Police should do the same and submit reports on the health, condition of living and general demeanour of the detenus after such visit to the District Magistrate through their respective superior officers.

(Government order No. 33064-125X, dated the 28th April 1934.)

153. It is desirable that detenus in village domicile who are ailing should have the opportunity to see the Civil Surgeon if he is visiting a dispensary or other institution in the neighbourhood of their quarters, and Civil Surgeons should submit their tour programmes to the District Magistrate in sufficiently good time to enable copies to be sent to the thanas where detenus are domiciled. Arrangements will then be made

by thana officers for the detenus to see the Civil Surgeon at the institution which he is visiting. In such cases Civil Surgeons will not be entitled to any fee.

Note (i)—Paragraphs 12 and 12(a) of the standard domiciliary order authorises the District Magistrate to permit a detenu to leave his place of domicile in order to visit a doctor in certain circumstances. The instructions in these Rules do not affect that authority, but Government expect District Magistrates to scrutinise carefully requests from detenus to leave their place of domicile for the above purpose before sanctioning them.

(ii) When a detenu is permitted to come to Sadar to see a doctor or dentist or for any other reason, he should reside in quarters selected for him by the Superintendent of Police, Government being moved, when necessary, to sanction any rent that has to be paid for such quarters.

(iii) When at the request of the District Magistrate, the Civil Surgeon pays a special visit to a detenu, who is domiciled more than five miles away from his headquarters, he should be able to utilise such occasions for carrying out his normal inspection duties. No fee in addition to travelling allowance is normally admissible to him but Government are prepared to deal with each case on its merits, *e.g.*, where in the opinion of the District Officer, the Civil Surgeon's absence from headquarters has meant serious deprivation to him, Government would sanction a fee not exceeding Rs. 16.

(Government order No. 33064-125X, dated the 24th August 1934, and Government order No. 16160-242X, dated the 14th May 1934.)

154. A medical history sheet shall be maintained for each detenu in village domicile as far as possible in the form contained in Appendix E and on transfer or release this shall invariably be forwarded to the receiving officer or the Superintendent of Police of the detenu's home district, as the case may be. (*Cf.* Rule 192.)

(Government order No. 22667-721X, dated the 18th July 1934.)

Section VI.—Hunger Strikes.

155. When a detenu in village domicile goes on hunger-strike, a responsible officer, usually from the thana in whose jurisdiction he is domiciled, shall immediately enquire whether he has any reasonable cause of complaint and submit a report, together with any recommendations he has to make, to the District Magistrate through the Superintendent of Police.

156. If the detenu has any real cause for complaint, his grievances shall be remedied without delay. If, on the other hand, his grievances appear to be unjustified or frivolous, he shall be informed of the fact, and told that no action will be taken on them.

157. The thana officer shall keep himself informed of the condition of a detenu on hunger-strike, and if the latter's condition appears likely to become serious, he shall arrange to have him examined by a local doctor, and submit periodical reports to the District Magistrate on the detenu's condition.

158. If the detenu's condition becomes serious, he shall be removed to the nearest civil hospital, and his relatives shall be informed as provided in Rule 47.

159. When a detenu has resorted to hunger-strike without reasonable cause, care shall be taken to avoid any action which might encourage him to believe that, if he persists in his hunger-strike, he will attain his end.

160. All charges for medical attendance on a detenu at his place of domicile during a hunger-strike and, if he has to be removed to hospital, his travelling expenses, may be recovered from him, and he shall not be granted the usual hospital allowance of annas 3 per day. Unless, however, the District Magistrate considers that the hospital charges can be recovered from him without undue hardship, these shall be paid by Government as usual.

161. All cases of hunger-strike shall be reported to Government together with the reasons for the strike, and the action taken from time to time to deal with it.

(Government order No. 46947-47000X, dated the 30th November 1934.)

Section VII.—Clothing Advances.

162. Detenus in village domicile may be granted clothing advances by the District Magistrate in accordance with the terms of Rule 19 and such advances shall be recovered from their domiciliary allowances at the rate of Rs. 3 per month.

(Government order No. 40137-92X, dated the 1st October 1934.)

Note.—Detenus domiciled in Darjeeling district may be allowed special clothing grants with the sanction of Government.

Section VIII.—Examinations.

163. The instructions contained in Rules 42 to 54 and note to rule 55 (*iv*) shall apply as far as possible to detenus in village domicile, and District Magistrates shall be responsible for making the necessary examination arrangements.

Note.—Muktearship, Revenue Agentship, Government Commercial Institute and Sanskrit Examinations should be treated as approved examinations.

164. District Magistrates are authorised to pay half the examination fees (including non-collegiate, migration and registration fees) of candidates and to advance the whole amount of those fees as and when required without reference to Government.

165. As it is not possible for detenus to take their examinations at their places of domicile, they shall take their examinations ordinarily at the nearest Examination Centre in the district in which they are domiciled. If there is no Examination Centre in that district, the District Magistrate shall arrange with the examining authority and the Superintendent of the nearest District or Central Jail for the detenu to take his examination in that Jail. In the latter case the specific orders of Government will be necessary to enable the detenu to be moved to the venue of the examination, and, unless previously received, these shall be applied for at least three weeks before the date of the examination.

Note.—Candidates for the Muktearship Examination will be examined in the Presidency Jail, Calcutta.

166. Detenus in village domicile are not entitled to any study allowance, nor will Government pay any portion of the cost of their text books or tuition fees.

Advances of study allowance granted to a detenu while in a Camp or Jail shall not be recovered from a detenu who is sent to village domicile. [*Vide* Rule 55 (x).]

(Government order No. 40800-48X, dated the 6th October 1934, and Government order No. 36619-21X, dated the 11th September 1934.)

Section IX.—Religious Observances and Sradh Ceremonies.

167. Detenus in village domicile shall be allowed all reasonable facilities for the performance of religious ceremonies.

168. Government will not bear the cost of the annual Sradh ceremonies of the deceased relatives of detenus in village domicile, nor will they ordinarily make any grant for the performance of the first Sradh ceremonies. In exceptional cases, however, when a detenu who is the eldest son is refused leave to go home for the performance of the first Sradh ceremony of either of his parents, Government will be prepared to consider the grant to him of a sum not exceeding Rs. 25 on the recommendation of the District Magistrate.

Section X.—Leave.

169. When a detenu in village domicile is granted leave, he shall draw his usual domiciliary allowance during the period of his leave and, unless otherwise specified, he shall be allowed the actual travelling expenses of his journey both ways.

Note.—When a detenu is sent to hospital, his case will be governed by the orders in Rule 148 and he should not be regarded as being on leave.

Section XI.—Disbursing and Sanctioning Authorities.

170. District Magistrate are the disbursing officers in the case of—

- (i) family and domiciliary allowances,
- (ii) initial allowance and clothing advances,
- (iii) expenses connected with medical treatment,
- (iv) examination fees,
- (v) insurance premia.*

In all other cases the disbursing officer is the Superintendent of Police.

171. District Magistrates and Superintendents of Police are authorised to pay the following charges out of the allotments made to

*In most cases insurance premia are paid by the Deputy Commissioner of Police, Special Branch, Calcutta.

them under the head "57—Miscellaneous—Miscellaneous and Unforeseen Charges—for internments under the Bengal Criminal Law Amendment Act, 1930," without reference to Government:—

District Magistrates.

(i) The money order commission on allowances payable to detenus and their families and on insurance premia and any other items payable in connection with detenus with which they are concerned;

(ii) any amount not exceeding Rs. 100 per detenu in any financial year on medicines, medical treatment or hospital charges, and the special hospital allowance of annas 3 per day when a detenu is in hospital, in accordance with Rule 150.

(iii) half the cost of examination fees, and advances of examination fees, on behalf of detenus who sit for the Muktearship, Revenue Agentship and Sanskrit Association Examinations and examinations conducted by the Calcutta and Dacca Universities and the Board of Intermediate and Secondary Education, Dacca, in accordance with Rule 164.

(iv) initial allowance (where due) in accordance with Rules 11, 13-16 and 142; and

(v) clothing advances not exceeding Rs. 20 per detenu in accordance with Rules 19 and 162.

Superintendents of Police.

(i) the travelling expenses of detenus (*vide* Rules 169, 183, 184 and 33);

(ii) the travelling allowances of non-official visitors to detenus as provided in Rule 138;

(iii) the money order commission on the remittance of any amount sent to or in connection with a detenu including house and ground rent on *bashas*, etc. (*vide* Rule 130);

(iv) the charges for taking photographs of detenus provided that they do not exceed Rs. 20 in the case of any one detenu (*vide* Rule 123);

(v) the charges for petty repairs to detenus' *bashas* as provided in Rule 131;

(vi) the charges on account of ground rent, and rates and taxes on detenus' *bashas* (*vide* Rule 130);

(vii) the cost of furnishing detenus' *bashas* in the first instance and subsequent renewals and replacements of furniture as provided in Rules 132 and 133.

(Government order No. 42376-427X, dated the 4th December 1934.)

Note.—In order to facilitate the payment of emergent expenses connected with detenus in village domicile, the permanent advance in the hands of all Superintendents of Police, except the Superintendent of Police, 24-Parganas, has been temporarily increased to Rs. 150 each year.

(Government order No. 8471-99X, dated the 22nd March 1936.)

Section XII.—Boat Allowances.

172. In addition to the items contained in Rule 171 the District Magistrates of Dacca, Faridpur, Bakarganj, Tippera, Noakhali and Mymensingh are authorised to pay boat allowances to detenus without reference to Government at a rate not exceeding Rs. 4 per month for a maximum period of 5 months of the rainy season each year in cases where the detenu is unable to report in person at the police-station owing to difficulties of communication which in their opinion are such as to justify the grant of such an allowance.

(Government order No. 28469-475X., dated the 21st July 1934.)

Chapter 4.—Home Domicile.

Section I.—Allowances.

173. Detenus while in home domicile shall receive an allowance of Rs. 10 per month which the District Officer is competent to sanction. When the District Officer is of opinion that a larger allowance should be given in view of the circumstances of the detenu's family or his income before his arrest, or that no allowance is required in view of his other sources of income, a report should be submitted to Government and pending Government orders no allowance should be paid. The amount received by any person from persons on whom he is dependent is not to be regarded as his income.

For the above purposes the District Officer should obtain from the Superintendent of Police a report as to the circumstances of a detenu's family. The date from which the allowance is sanctioned or withdrawn by the District Officer should be reported to the Accountant-General, Bengal.

Such allowances should not be paid in advance but at the expiration of a month.

(Government order No. 192294-320X, dated the 11th May 1937.)

Section II.—Medical.

174. Detenus in home domicile should be left to make their own arrangement for medical treatment, restrictions being relaxed where necessary to enable them to visit a doctor or to secure medical attention during the evening or night. If, however, the District Magistrate considers that the circumstances in any case are so hard as to justify the grant of a temporary increase of allowance or a special grant to cover medical expenses, he shall submit his recommendations to Government together with a full statement of the case.

175. Detenus in home domicile shall not be brought to civil hospitals save in exceptional circumstances and shall never be sent to Jail or Police hospitals.

(Government order No. 33064-125X, dated the 24th August 1934.)

Section III.—Examinations.

176. Detenus in home domicile are not entitled to the concession of payment of half the examination fees by Government, or to any advances on account of examination fees, and as far as possible shall be left to make their own arrangements to sit for examinations. For this purpose all reasonable facilities shall be allowed to them, and Government shall be moved, when necessary, to issue any orders that may be required to enable them to attend the examination centres. Such detenus will not be allowed to sit for examinations in Camp or Jails.

(Government order No. 40800-48X, dated the 6th October 1934, and Government order No. 44001X, dated the 3rd November 1934.)

Section IV.—Leave.

177. Detenus in home domicile who are granted leave may be allowed to draw, during the period of their leave, any maintenance allowance of which they may be in receipt, but shall not be allowed their travelling expenses save in exceptional circumstances, and then only with the special sanction of Government.

Chapter 5.—Conditional and Unconditional Release.

Section I.—Allowance.

178. When a detenu is released conditionally or unconditionally from a Jail or Camp or village domicile, he shall be escorted to the railway or steamer station from which he is to start, and given a ticket which should cover the railway or steamer fare or both to the station nearest to his destination. He shall also be paid Re. 1-8 for the first day and Re. 1 for every succeeding day or part of a day for the period of his journey.

Note.—The daily allowance is intended to cover cooly hire and gharry or boat hire etc., and no extra amount should be paid on this account.

179. The cost of any extra luggage taken by a released detenu shall ordinarily be met by the detenu from the balance of his account, but where there is no balance it may be met by Government at the discretion of the disbursing officer, who will be the Commandant in the case of Camp, and the Superintendent of Police in all other cases, except that of the Presidency Jail, when payment of the cost of excess luggage will be at the discretion of the Deputy Commissioner of Police, Special Branch, Calcutta.

Note.—No payment should be made for excess luggage to a detenu who is released while held under section 4 of the Bengal Criminal Law Amendment Act, 1930.

(Government order No. 36520-5X, dated the 11th December 1933, and Government order No. 7782-3X, dated the 8th March 1934.)

Section II.—Release on cash Security.

180. The following procedure should be observed when orders for the release of a detenu on security are issued under section 10 of the Bengal Criminal Law Amendment Act:—

(1) When such an order under section 10 (1) is made by Government, a copy of the order together with a draft of the bond to be executed will be sent to the detenu through the Commandant or the Superintendent if he is confined in a camp or a jail, or through the Superintendent of Police of the district in which he is domiciled. A copy of the order will be sent also to the District Magistrate of the district or to the Chief Presidency Magistrate, in the case of Calcutta, in which the surety resides together with a copy of the bond to be executed by him and the District Magistrate or Chief Presidency Magistrate will thereupon call upon the surety to execute the bond. When the detenu has executed his bond, the Camp Commandant, Jail Superintendent or the Superintendent of Police, as the case may be, will forward the bond to the District Magistrate of the district (or the Chief Presidency Magistrate) in which the detenu's surety resides and where normally the detenu will also reside on release under section 10 (1).

(2) The amount payable if paid in cash shall be deposited under revenue deposit in the Collector's office or in the office of the Chief Presidency Magistrate in the case of Calcutta. In lieu of cash, however, the assignment of a savings bank deposit of an equivalent account may be accepted, in which case the pass book should be assigned and surrendered to the Collector or the Chief Presidency Magistrate and should be deposited in the Treasury for safe custody under rule 9 (a), (7), Chapter I, Part I, Bengal Financial Rules. When security is offered in postal cash certificates, their present value and not their face value should be equal to the security demanded. Such cash certificates should be transferred by the surety to the District Magistrate or the Chief Presidency Magistrate as the case may be, in the manner laid down in paragraph 5, section VII, Post and Telegraph Guide. The District Magistrate or Chief Presidency Magistrate will then forward the same to the Treasury for safe custody (*vide* paragraph 5 of the Government Securities Manual as amended by Correction Slip No. 1). When security is offered in Government promissory notes, the market value of the securities deposited should not be less than the amount fixed as security in the bond. They should be kept in custody in accordance with the instructions in Chapter VIII, Government Securities Manual, as modified by Bengal Government, Finance Department memorandum No. 871-91F., dated the 29th January 1935.

(3) On the execution of bond and deposit of cash or security by the surety, the District Magistrate or Chief Presidency Magistrate will report to Government the form in which the deposit has been made and at the same time inform the Commandant or Superintendent of the Camp or Jail in which the detenu is confined, or the Superintendent of Police of the district in which he is domiciled. The Commandant, Superintendent of Jail or Superintendent of Police will thereupon after satisfying himself that the detenu has executed his bond release him and send the bond to the District Magistrate of the surety's district or to the Chief Presidency Magistrate, if that has not already been done.

The bonds shall be kept in the office of the District Magistrate of the district in which the surety resides, or the Chief Presidency Magistrate if he resides in Calcutta.

(4) The District Magistrate or the Chief Presidency Magistrate should maintain a register in the following form:—

- (i) Serial No.
- (ii) Number and date of Government Order under section 10 of the Bengal Criminal Law Amendment Act.
- (iii) Name, father's name and address of the detenu.
- (iv) Name, father's name and address of the surety.
- (v) Amount of deposit demanded.
- (vi) Number of bond of surety and date of execution.
- (vii) Date of deposit and Treasury chalan number if any.
- (viii) Kind of deposit (if in Government securities their number).
- (ix) Period of security.
- (x) Date of return of security.
- (xi) Date of forfeiture of security.
- (xii) Remarks.

(5) If any period has been fixed in the bond, the District Magistrate or the Chief Presidency Magistrate may at the end of the period return to the depositor or his legal heir the cash or security deposited, reporting the fact to Government at the same time. In any case in which it is necessary to follow the procedure laid down in sub-section (4) of section 10 for the recovery of the penalty, an application should be made by the Superintendent of Police of the district who is hereby specially empowered for this purpose.

(6) No Stamp duty need be charged on these bonds as ordinarily required under article 15, schedule I (A), Stamp Act, 1899. (*Vide* Government of India Notification No. 11 Stamps, dated the 15th June 1935.)

(*Government order No. 13514-98X, dated the 3rd May 1935 and Government order No. 19428-510X, dated the 19th June 1935.*)

Section III.—Miscellaneous.

181. Government will ordinarily accept no financial responsibility in the case of detenus who have been released under section 2(I)(a)(b)(c) of the Bengal Criminal Law Amendment Act, 1930.

182. Detenus who have been conditionally released are not entitled to any concessions in the matter of medical treatment or examinations, and should be left to make their own arrangements in these matters.

Chapter 6.—General.

(*Applicable to detenus under all forms of restraint.*)

Section I.—Travelling Expenses.

183. When it is necessary for detenus to travel in custody their actual travelling expenses shall be paid. If they travel by rail or steamer they shall be provided with intermediate class accommodation but if an intermediate class does not exist they shall travel 2nd class.

184. When detenus travel in custody either on transfer or leave diet allowance shall be paid at the rate of Re. 1 for each day of 24 hours and annas 8 for 12 hours or less of such journeys in addition to their actual travelling expenses. But no such diet allowance shall be paid to detenus in village domicile when they go on leave or are sent to a hospital for treatment or transferred to another domicile within the district.

For journeys to and from Deoli a diet allowance of Rs. 1-12 per diem is allowed.

(Government order No. 3321-25X, dated the 26th September 1936.)

Section II.—Petitions.

185. All petitions from detenus or their relatives for the grant or increase of domiciliary or family allowances shall be submitted to Government through the District Magistrates of the districts in which the detenus are domiciled, or in which the families of the detenus concerned are residing, or in the case of detenus domiciled in Calcutta, or whose families are resident in Calcutta, through the Deputy Commissioner of Police, Special Branch, Calcutta. Subject to Rules 187 to 189 below, District Magistrates or the Deputy Commissioner of Police, Special Branch, Calcutta, shall make such enquiries as may be necessary and forward the petitions to Government with their recommendations and reasons in support of them.

Note.—If any petition is received by Government which has not come through the District Magistrate or Deputy Commissioner of Police, Special Branch, Calcutta, it will be returned to the sender for submission through that channel.

186. All petitions to Government for relaxation of the restrictions imposed on a detenu, or for leave for any purpose whatsoever, shall be sent to the Superintendent of Police of the detenu's home district who after consultation with the District Magistrate shall forward them to Government with his recommendation through the Deputy Inspector-General of Police, Intelligence Branch, Calcutta.

Note.—If any petition is received which has not come through the channel prescribed above it will be returned to the sender for submission through that channel.

187. Petitions for the grant or enhancement of domiciliary or family allowances will not be considered by Government more than once in six months, and then only if fresh circumstances have arisen which render it desirable that the matter should be further considered. In all other cases District Magistrates (and the Deputy Commissioner of Police, Special Branch, Calcutta), are authorised and directed to withhold such petitions and to inform the senders accordingly.

188. All petitions for a detenu's transfer from village or home domicile, whether on medical or other grounds, or for his dental or medical treatment away from his place of domicile, shall be submitted through the District Magistrate, who, unless the petitions appear to be frivolous or vexatious, shall forward them to Government with his recommendations after such enquiry as he considers necessary.

(Government order No. 3361-3417X, dated the 12th March 1934.)

189. All petitions to Government which are couched in offensive or improper language (or which contain demands for concessions which are not admissible under these rules, *e.g.*, payment of debts, grant of study allowance to detenus in village domicile, payment of the cost of books when the detenu is not eligible for study allowance or of tuition fees, payment of Sradh expenses when the detenu is not the eldest son, grants for the purchase of clothing other than those provided for in these rules, etc.), may be withheld by the District Magistrate, Superintendent or Commandant concerned. In such cases, the detenu shall be informed that his petition has been withheld and of the reasons for withholding it.

190. All communications regarding detenus shall contain their fathers' names and home districts and in submitting petitions to Government detenus should be instructed to include these particulars under their names.

(Government order No. 12411-12X., dated the 1st August 1931, Government order No. 27873-77X., dated the 2nd September 1932, and Government order No. 34470-74X., dated the 13th December 1932.)

Section III.—Procedure in regard to History Tickets, Medical History Sheets and Accounts of Detenus on Transfer.

191. For every detenu confined in a Jail or Camp, or domiciled in a village or at his home, or with relatives, a history ticket as far as possible in Bengal Jails form No. 5080*, and a medical history sheet in the form shown in Appendix E *shall be maintained and the particulars detailed in Rules 40 and 121 shall be entered therein.

192. Whenever a detenu is transferred, whether it be to a Camp, or Jail, or to village or home domicile, his history ticket and medical history sheet shall be sent to the Camp Commandant, Jail Superintendent or Superintendent of Police concerned together with a summary of his account showing—

- (a) the amount of personal or domiciliary allowance of which he has been in receipt, and the date up to which it has been paid,
- (b) any amount due to or outstanding against him, and
- (c) how much of the initial allowance had been paid to him up to the time of his transfer.

If a detenu in receipt of study allowance is transferred to another Jail or Camp, full particulars of the study allowance granted shall be forwarded to the receiving office.

Note.—When a detenu is convicted the above papers shall be kept in the jail in which he is serving his sentence and shall accompany him on his transfer to another jail. On his reverting to the category of a detenu steps shall be taken for the recovery of any amount outstanding against him.

*Copies of these forms may be had on indent from the Press and Forms Manager, Bengal.

193. When any detenu is released, whether conditionally or unconditionally, his history ticket, medical history sheet, and a statement of his accounts shall be sent to the Superintendent of Police of the detenu's home district.

(Government order No. 22667-721X, dated the 18th July 1934.)

Note.—Some of the documents referred to above will be required by the District Magistrate when a detenu is sent to village or home domicile, but it is not desirable that the papers should be divided and sent to two District officials, in such cases. All the papers will therefore go to the Superintendent of Police of the district who will be responsible for supplying the District Magistrate with such papers as he requires, and for collecting and sending on the papers when the detenu is removed from the district.

(Government order No. 38407-36X, dated the 19th September 1934.)

Section IV.—Prosecutions.

194. When a detenu is to be prosecuted for an offence under section 6 of the Bengal Criminal Law Amendment Act, or for any other non-bailable and cognizable offence, he shall be removed at once from his place of detention, whether Camp, Jail or domicile, or if he has been conditionally released, from his ordinary place of residence, and confined as a Division I undertrial prisoner in the undertrial ward, or a cell, of the Jail from which he will stand his trial. At the same time Government shall be informed of the action taken and the Jail to which the detenu has been moved, in order that orders for his detention there and his subsequent production before the trying court may issue without delay. The detenu, though treated in all respects as a Division I undertrial, shall continue, until conviction, to be held by detention orders under the Bengal Criminal Law Amendment Act, but shall draw no personal allowance, or dietary allowance other than that prescribed in kind for Division I undertrials.

(Government order No. 37176X, dated the 16th December 1933.)

Note (i).—Under section 6 of the Bengal Criminal Law Amendment Act, 1930, offences under sub-sections (1) and (3) of that section are punishable with imprisonment which may extend to seven years. Under the first item of the last section of schedule II of the Criminal Procedure Code, such cases are therefore triable exclusively by a Court of Sessions or a Special Magistrate. Section 24 of the Bengal Suppression of Terrorist Outrages Act, 1932, provides for the appointment of Special Magistrates for the trial of such cases and when a case arises and no Special Magistrate exists, Government should be moved to appoint a Special Magistrate under that section. Under section 25 of the Bengal Suppression of Terrorist Outrages Act, 1932, it is necessary for a direction to issue by order in writing that the case shall be tried by a Special Magistrate, and under notifications No. 369 P., dated the 10th January 1933, No. 13 P. D., dated the 18th April 1933, and No. 1483 P., dated the 11th February 1935, the District Magistrates of the following districts have been empowered to issue such directions within their respective districts :—Chittagong, Dacca, Mymensingh, Burdwan, Midnapore, Hooghly, Howrah, Birbhum, Bankura, 24-Parganas, Nadia, Murshidabad, Jessore, Khulna, Faridpur, Bakarganj, Tippera, Nakhali, Rajshahi, Dinajpur, Rangpur, Bogra, Pabna, Malda, Jalpaiguri.

(Government order No. 40558-62X, dated the 3rd October 1934.)

(ii)—The reason for treating accused detenus as Division I undertrial prisoners is to avoid the necessity of having to continue to grant them a personal allowance. It is not intended that if convicted they should automatically be classified as Division II prisoners, and if the trying Magistrate considers that any detenu is not of sufficiently high status to be recommended for Division II on conviction, there is no bar to his ordering him to be placed in Division III, but in such cases he should make an endorsement to this effect on the warrant of commitment.

(Government order No. 7794X, dated the 27th March 1933.)

(iii) Prosecution for minor or technical breaches of the rules of internment should be avoided as far as practicable, as it is often an unnecessarily cumbersome procedure and may have the appearance of vindictiveness. In such cases the departmental punishments as stated in rules 200-203 may be imposed in lieu of prosecution.

(Government order No. 9027-78X, dated the 21st March 1936, and Government order No. 26846-71X, dated the 4th August 1936.)

195. The family of a detenu who is an undertrial prisoner will continue to receive family allowance (if any has been sanctioned by Government) during the pendency of the trial, but if the detenu is convicted the family allowance will be stopped from the date of his conviction.

196. In the case of a detenu who has been domiciled at his home and granted a consolidated allowance, a sum of Rs. 10 will be stopped out of the consolidated allowance with effect from the date of the detenu's removal to Jail as an undertrial prisoner. The remainder of the allowance, if it exceeds Rs. 10, will continue to be paid to the detenu's family, but if the detenu is convicted it will be stopped with effect from the date of his conviction.

197. The date of conviction and the sentence passed on a detenu shall, in all cases, be communicated to Government at once by the Superintendent of the Jail and the Superintendent of Police or Commandant to enable them to withdraw the family allowance, and suspend the orders passed against him under the Bengal Criminal Law Amendment Act for the period of his sentence.

198. If a convicted detenu is removed from the Jail from which he stood his trial, the Superintendent of the Jail from which the convicted detenu is removed shall report the transfer to Government at once; and the Superintendent of the Jail to which he is removed shall advise Government one month before the expiry of the ex-detenu's sentence, of the date from which he will again become a detenu to enable fresh orders to be issued for his detention under the Bengal Criminal Law Amendment Act, 1930.

Note.—(1) When a convicted detenu is removed from the Jail from which he stood his trial, the order which committed him to custody in that Jail under section 2(1) of the Bengal Criminal Law Amendment Act and which was suspended on his conviction, will not come into force again on the expiry of the detenu's sentence, unless he has been sent back to that Jail, as it relates only to the Jail from which he stood his trial.

(2) All reasonable facilities should be given to a detenu charged with a criminal offence to arrange for his defence, but in no case will Government pay his expenses.

199. A convicted detenu who has an appeal pending shall not be transferred from the Jail to which he was committed on conviction until his appeal has been disposed of except with the approval of Government previously obtained.

(Government order No. 37176-233X, dated the 16th December 1933.)

Section V.—Punishment.

200. Detenus in jails should ordinarily be subjected to the discipline imposed on civil prisoners as laid down in rule 1004 of the Jail Code. In difficult cases of breaches of jail discipline, a report should be sent to Government for orders.

201. Detenus in camp who commit infringement of the rules of discipline laid down in paragraph II of Notification No. 20605X., dated the 25th November 1931, are subject to the punishment laid down in paragraph II (17) thereof.

202. In addition to above punishments the Commandant of a Camp or the Superintendent of a Jail may impose the following additional punishment on detenus for breaches of discipline, in lieu of prosecution under the Bengal Criminal Law Amendment Act:—

- (a) he may reduce the diet allowance by not more than annas 4 a day in the case of a refractory detenu who is confined in a cell, during the whole or a portion of the period of his confinement;
- (b) he may reduce or cancel altogether for a period which may extend to two months the privileges of writing, receiving letters or both;
- (c) he may vary or cancel for a period which may extend to two months the number of interviews allowed under the present rules;

(Government order No. 20802-05X., dated the 26th November 1931.)

- (d) he may reduce the personal allowance of a detenu by not more than annas 8 per diem for a period not exceeding fourteen days.

(Government order No. 318-21X., dated the 24th September 1932.)

203. Detenus in village domicile should be departmentally punished for minor or technical breaches of the rules of internment in lieu of prosecution and to deal effectively with such misdemeanour, District Officers are authorised to reduce the monthly allowance of a detenu by not more than annas 6 a day for a period not exceeding 8 days. All such penalty should be communicated to the detenu and recovered from his allowance for the next month. In imposing this form of punishment a District Officer should have regard to any other deductions that are being made from the detenu's allowance and should satisfy himself that the amount payable in any one month is adequate for supply of the detenu's ordinary wants.

(Government order No. 9027-78X, dated the 21st March 1936.)

Section VI.—Family Allowances.

204. When orders are passed against a detenu under section 2 (1) of the Bengal Criminal Law Amendment Act, 1930, the Superintendent of the detenu's home district shall prepare a report on the circumstances of the detenu's family and dependents in the form contained in Appendix F, stating the allowance (if any) which he considers suitable, and shall submit it to Government through the District Magistrate who shall add his recommendations.

Note.—Section 12 of the Bengal Criminal Law Amendment Act, 1930, gives Government discretionary power to make to any member of a detenu's family or to any of his near relatives who are dependant on him for support, such allowance towards their maintenance as may seem to Government appropriate in all the circumstances of the case not exceeding such allowance as, in the opinion of Government, such person would have been in a position to make if he had not been under restraint. It is the desire of Government that no undue hardship should be caused to the

families or dependants of detenus by reason of their detention, and ordinarily Government will sanction the grant of an allowance in all cases in which it is clear that the persons concerned were dependant, either wholly or in part, on the detenu unless there are adequate reasons for believing that those persons themselves take part in, or encourage or assist revolutionary or subversive movements, in which case the full facts should be reported to Government. Care should be taken to ensure that the restraint placed upon a detenu is not made a source of financial gain to his family or dependants. It is not necessary that the full amount which a detenu was earning before his arrest should be paid to his family. It will be sufficient if the allowance recommended is considered adequate for the supply of the ordinary wants of the family or dependants having regard to their usual mode of living, and other sources of income.

The allowance to the dependants of a detenu should not be paid in advance.

(Government order No. 26674-99X, dated the 2nd July 1937.)

Section VII.—Insurance Premia.

205. When any representation is received from or on behalf of a detenu praying for the payment of the premia on an insurance policy on the detenu's life, it will be sent to the Deputy Commissioner of Police, Special Branch, Calcutta, if the office of issue is in Calcutta or outside Bengal, and to the District Magistrate in all other cases. The Deputy Commissioner of Police, Special Branch, Calcutta, or the District Magistrate, as the case may be, shall cause the matter to be investigated, and shall then submit a detailed report to Government in the form contained in Appendix G.

Note.—The principle by which Government are guided in dealing with the question of the payment of the insurance premia on policies held by detenus is that while they are not justified in utilising public revenue to increase the value of the estate of a person detained under the Bengal Criminal Law Amendment Act, it is proper in cases in which the detenu and his family are not in a position to continue the payment of premia, that Government should take such action as is reasonable to prevent damage that would otherwise occur by the non-payment of premia. In practice this generally means that premia paid on policies which have been taken out shortly before the detenu's arrest are refunded, and that in other cases Government pay the premia until the policies have acquired both surrender and part paid up values.

(Government order No. 8087-118X, dated the 16th March 1934.)

Section VIII.—Medical expenses of detenus' families.

206. Government will not pay bills for the medical expenses of members of a detenu's family, or the travelling expenses of members of a detenu's family who may visit him at his place of detention, or internment.

Section IX.—Advances.

207. Advances other than those provided for in these rules or specifically sanctioned by Government should not be made to detenus by District Magistrates, Superintendents of Jails and Commandants without obtaining previous orders of Government.

Section X.—Mode of address of detenus.

208. All detenus shall be addressed as “Babu,” “Maulvi,” “Mr.” or “Dr.” as the case may be in communications concerning them.

(Government order No. 9059-95X., and endorsement Nos., 9573-74X., dated the 13th June 1931.)

Section XI.—Escort.

209. The escorts to be employed for effecting transfers of detenus should be regulated as follows:—

(1) *Transfers to and from jails and camp.*—Escorts are necessary for the transfer of detenus to or from jails or camp, especially in the case of detenus ex-jail or camp retransferred to camp or jails. It is not unlikely that they would try to escape or that attempts might be made to rescue them. Besides special care must be taken to prevent communication with other persons *en route* and for this purpose a Sub-Inspector or Assistant Sub-Inspector should accompany the escort party which should be fixed on the following scale:—

Numbers of detenus.	Escort Party.	
	Head Constable.	Constable.
1	..	2
2	..	3
3	1	3
4	1	4
5	1	4
6	1	6
7	1	6
8	1	6
9	1	8
10	1	8
11	1	10
12	1	10

A list of the names of the detenus should be sent to the Intelligence Branch and the orders of the Deputy Inspector-General of Police, Intelligence Branch, Criminal Investigation Department, Bengal, should be obtained when the number of detenus to be escorted exceeds twelve.

This scale may be increased, but not reduced, at the discretion of the Commandant of a camp, when the transfer is from a camp, or the Superintendent of Police, when the transfer is from jail, if any batch contains specially important or dangerous detenus or if there is any

likelihood of an attempt to escape. When these conditions exist or when the number of detenues to be escorted is 10 or more, one or more Sub-Inspectors or officers of higher rank (according to the number of detenues to be escorted or the number of specially important or dangerous men in any batch) should accompany the escort party and they should be armed with revolvers.

(2) *Transfers from home or village domicile to village domicile and vice versa.*—Detenus already in village domicile or home domicile who are transferred to places other than a camp or jail, are not likely to attempt escape *en route* and there is not the same apprehension about attempts to rescue them.

It is not considered necessary to lay down a definite scale of escorts for these transfers and it is left to the discretion of the Superintendent of Police whether or not to provide an escort of two constables in accordance with the existing instructions. Generally speaking, it should be unnecessary for an escort to accompany a detenu who is being transferred to an easier form of restraint, e.g., from village domicile to home domicile. It might, on the other hand, be necessary if a detenu is being transferred from home domicile to a more unpleasant form of restraint. Whether an escort is provided or not an Assistant Sub-Inspector should always accompany a detenu under transfer, to prevent unauthorised communication.

(Government order No. 5002-5X, dated the 2nd March 1936.)

Section XII.—Election and Voting.

210. A detenu may be permitted by the Commandant, Superintendent of Police or the District Magistrate to enrol his name as a voter in the electoral rolls of the Legislative Assembly or Council, but so long he is under detention, relaxation of any restrictions in force against a detenu should not be allowed in order to enable him to register his vote at the polling station.

Note.—In case of any election in which a vote can be exercised through post (*viz.* the election of members of the Medical Faculty, etc.), there is no objection to a detenu exercising his vote through the Deputy Inspector-General of Police, Intelligence Branch, Criminal Investigation Department, Bengal.

Section XIII.—Photo Camera.

211. Cameras should not be allowed to detenues under any circumstances.

(Government order No. 39922X, dated the 25th November 1935.)

Chapter 7.—Youthful Persons.

212. Under section 2A of the Bengal Criminal Law Amendment Act, 1930, the District Magistrate may, in consultation, where practicable, with the parent or guardian, restrain the movement of

any person who, he has reason to believe, is under the age of 21 years, is ordinarily resident within his district and is consorting with terrorist suspects, in accordance with the rules contained in Notification No. 17331X, dated the 16th May 1934 (*vide* Part II, Section A of this Manual.)

Note.—This power is intended to enable the District Magistrate to take prompt action at an early stage to prevent a young person under the age of 21 from being drawn into the terrorist net, and to do so without reference to Government, but after consultation, where practicable, with parents and guardians. The complaint has often been made that the assistance of parents and guardians is not enlisted for the purpose of saving boys from the clutches of terrorists, and that in the majority of cases they have been ignorant of the fact that their children or wards were being drawn into the movement. The provisions relating to parents and guardians have been introduced with the definite aim of securing the support of those who are anxious to save their children from corruption. It is desirable that parents who are likely to be of help in this matter should be taken into confidence at an early stage, and that their responsibilities for the proper control and guidance of their children should be brought home to them in every possible way. Such action should invariably be taken in consultation with the Superintendent of Police in charge of District Intelligence Branch work in the district.

213. Persons dealt with under section 2A of the Bengal Criminal Law Amendment Act, 1930, are not entitled to any allowance, but where, owing to the form of restraint imposed, or the pecuniary condition of the parents, the District Magistrate considers that undue hardship is likely to be caused, Government will be prepared to consider the grant of a small allowance on the recommendation of the District Magistrate.

214. Government will not pay any portion of the fees of persons restrained under section 2A of the Bengal Criminal Law Amendment Act, 1930, who sit for University or other examinations, or for their medical treatment.

215. A return of all persons dealt with under section 2A of the Bengal Criminal Law Amendment Act, 1930, shall be submitted to Government through the Divisional Commissioner, along with the fortnightly report, in the following form:—

- (1) Name of person dealt with, age and father's name.
- (2) Nature of order passed.
- (3) Whether parent or guardian consulted.
- (4) Brief statement of reasons for the order.

(*Government order No. 1840-66P.S., dated the 7th April 1934.*)

216. The District Magistrate on being informed that the person against whom an order under section 2A has been issued (or is proposed to be issued) is residing outside his jurisdiction should add to the order a direction for his arrest under section 2A (2) with or without bail, as circumstances suggest, and the direction should be sent to the Superintendent of Police of the district in which the person is residing for his apprehension.

The person arrested can then be forwarded in custody according to the ordinary procedure laid down in the Criminal Procedure Code, unless there is a discretion for bail and bail is furnished.

(*Government order Nos. 24086-112X, dated the 16th July 1936.*)

Chapter 8.—Absconders.

217. When Government decide to issue orders under section 2 (1) of the Bengal Criminal Law Amendment Act, 1930, against a person who cannot be found, they will ordinarily direct his commitment to custody in the nearest district or Central Jail, and simultaneously his arrest without warrant by any police officer at any place where he may be found with a view to his commitment to custody.

218. If in such a case the local officers concerned cannot serve the order on the absconder in person in spite of due diligence, they shall report the fact to Government, *through the Deputy Inspector-General of Police, Intelligence Branch, Criminal Investigation Department, Bengal*, giving a brief statement of the steps taken to trace the absconder and serve the order personally. Government will then issue a notification under sub-section (2) of section 3 of the Bengal Criminal Law Amendment Act, 1930, which will be published in the "Calcutta Gazette," and selected newspapers, directing the wanted person to appear before the Superintendent of Police of his home district, or other selected officer, within 15 days of the date of the notification, and if he fails to obey this direction, he will be liable to prosecution under section 6 (3) of the Act.

219. Notifications issued under section 3 (2) of the Bengal Criminal Law Amendment Act, 1930, will bear the date of the issue of the "Calcutta Gazette" in which they appear, and copies will be sent to the Deputy Inspector-General of Police, Intelligence Branch, Criminal Investigation Department, Bengal, and Superintendents of Police concerned.

Note.—An absconder cannot be prosecuted under section 6(3) of the Bengal Criminal Law Amendment Act, 1930, until he has been directed to appear before an appointed officer by notification issued under section 3(2) of the Act, and has failed to obey that direction. No conviction can be had under section 6(1) of the Act unless it is proved that the absconder knew of the order, and in practice this can only be proved by proving service on him, and if service is possible, i.e., if he can be found, it is obvious that he can be arrested in accordance with the order under section 2(2) (a), and then detained in pursuance of the order under section 2(1)(f). The combination of orders under sections 2(2)(a) and 2(1)(f) of the Act is necessary in order to attract the provisions of section 9(1) and to secure a month's time for the submission of the case to the examining Judges as from the date of the absconder's arrest or surrender.

(Government order No. 29216-71X, dated the 30th July 1934.)

220. When it is proposed to prosecute an absconder under section 6 (3) of the Bengal Criminal Law Amendment Act, 1930, and copies of the provincial newspapers in which the notification under section 3 (2) of the Act appeared are not available locally, copies may be obtained from Government on application.

APPENDIX A.

(Vide Rule 19.)

Scale of clothing.

All seasons.

1. Six pairs dhuties (khuddar) or four pairs mill dhuties.
- *2. Two pairs plain cotton drill trousers.
- *3. Two cotton drill coats.
4. Two pairs cotton socks.
5. One cap.
6. One pair sandals, or slippers.
7. One pair shoes.
8. Three towels.
9. Four banians.
10. Twelve handkerchiefs.
11. Two pairs shorts.
12. One pair tennis shoes.
13. Three bedsheets.
- +14. One mosquito-net.
15. Two pillows.
16. Four pillow-cases.
- +17. One mattress.
18. Three gamchas.
19. Four langoties.
20. Two ganjis.
21. One trunk.

Rainy and cold weather.

22. One quilt, or one woollen rug or two blankets.
23. One quilt or rug case.
24. One woollen suit, or a coat and an alwan.
25. Two flannel shirts.
26. One sweater.
27. Two pairs woollen socks.

Hot weather.

28. Four plain cotton drill shirts or six khadi shirts.

*Not to be given if dhuties are worn,
Vide Rule 3.

APPENDIX B.

(Vide Rule 29.)

Specimen scale of dietary.

(For guidance only.)

Early morning meal.

For 10 men.

Milk	..	..	..	4 ch. \times 10	..	40 ch.
Egg	..	..	..	1 \times 10	..	10
Bread	..	..	..	1 ch. \times 10	..	10 ch.
Butter	..	..	..	$\frac{1}{8}$ ch. \times 10	..	1 $\frac{1}{4}$ ch.
Sugar	..	..	..	$\frac{1}{2}$ ch. \times 10	..	5 ch.

Midday meal.

For 10 men.

Rice or atta	..	..	..	4 ch. \times 10	..	40 ch.
Dal	..	..	..	1 ch. \times 10	..	10 ch.
Vegetables	..	..	..	3 ch. \times 10	..	30 ch.
Potatoes	..	..	..	2 ch. \times 10	..	20 ch.
Fish	..	..	..	2 ch. \times 10	..	20 ch.
Sugar	..	..	..	$\frac{1}{4}$ ch. \times 10	..	2 $\frac{1}{2}$ ch.
Ghee	..	..	..	$\frac{1}{8}$ ch. \times 10	..	1 $\frac{1}{4}$ ch.
Mustard oil	..	..	..	$\frac{1}{2}$ ch. \times 10	..	5 ch.
Salt	..	..	..	$\frac{1}{2}$ ch. \times 10	..	5 ch.
Condiment	..	..	..	$\frac{1}{4}$ ch. \times 10	..	2 $\frac{1}{2}$ ch.
Coke and coal	..	..	..	1 sr. \times 10	..	10 srs.
Lemon	..	..	..	..	..	..

Evening tiffin.

Tea	..	..	..	..	..
Fruits or sweets	..	..	..	..	..

Evening meal.

Same as midday meal	..	..	..	..
Milk, 4 ch.	..	..	..	..

Extras,

Cigarettes, biris, match, tobacco, snuff, etc.	..	..
Pan and spices	..	..

N.B.—Meat may be issued at the rate of 4 ch. per head per day in place of fish in the midday or evening meals. Eggs 2 (two) may be substituted in place of fish. Fruits may be substituted in place of milk.

APPENDIX G.

(Vide Rule 60.)

Newspapers, Magazines and Periodicals.

The following newspapers, magazines, and periodicals may be allowed to detenus in addition to any magazines published in Great Britain which are not excluded under the Sea Customs Act:—

NEWSPAPERS.

1. *Statesman*.
2. *Star of India*.
3. *Pioneer*.
4. *Leader* of Allahabad.
5. *Statesman* (overseas weekly edition).
6. *The Illustrated Weekly of India*.
7. *Panchayet* of Dacca.
8. *Mymensingh Samachar*.
9. *Hindu Ranjika* of Rajshahi.
10. *Kashipur Nivasi* of Barisal.
11. *Sisir* (weekly edition).
12. *Al-Aman* of Delhi (Urdu).
13. *Aftab* (Urdu).
14. *Haq* (Urdu).
15. *Hansa* of Benares (Hindi).
16. *Jagaran* of Benares.
17. *Sudha* of Lucknow (Hindi).
18. *Madhuri* (Hindi).
19. *Sudha* (Hindi).
20. *Utkal Deepika*.
21. *Hindu Illustrated Weekly*.
22. *Hitavadi* (Bengali).
23. *Midnapur Hitaishi* (Bengali).
24. *Whip*.
25. *Sanjivani*.
26. *Capital*.
27. *Charu Mihir Patrika* of Mymensingh.

Magazines and Periodicals.

ENGLISH.

1. *Indian Review.*
2. *Calcutta Review.*
3. *Hindusthan Review.*
4. *Indian Historical Quarterly.*
5. *(Indian) Medical Gazette.*
6. *Homeopathic Director.*
7. *Economic Journal.*
8. *(Indian) Medical Journal.*
9. *Industry.*
10. *Review of India.*
11. *Calcutta Weekly Notes.*
12. *Film Land.*
13. *Popular Science.*
14. *Scientific American.*
15. *Indian Culture.*
16. *Indian Cricket of Bombay.*
17. *Hahnemann.*

FRENCH.

18. *Le Rire.*

BENGALI.

19. *Udbodhan.*
20. *Krishak.*
21. *Utsava.*
22. *Matri Mandir.*

23. *Bhandar.*
24. *Krishi Sampad.*
25. *Prabuddha Bharat.*
26. *Sangit Vignan Prabeshika.*
27. *Saurabh.*
28. *Pushpa Patra.*
29. *Galpa Lahari.*
30. *Archana.*
31. *Bangabhumi.*
32. *Banga Lakshmi.*
33. *Janmabhumi.*
34. *Pancha Pushpa.*
35. *Viswa Bharati.*
36. *Bichitra.*
37. *Abahan.*
38. *Udayan.*
39. *Krishi Lakshmi.*
40. *Chikitsa Prakas.*
41. *Maspaila.*
42. *Chhota Galpa.*
43. *Parichaya.*
44. *Bharatbarsha.*
45. *Uttara.*
46. *Mauchak.*
47. *Sandesh.*
48. *Mohan Benu.*
49. *Banglar Sakti.*

ORIYA.

50. *Sahakar.*

APPENDIX D.*(Vide Rule 81.)***Application for Interview.**

All persons desiring to interview a detenu are requested to furnish the following particulars:—

Name of detenu to be interviewed

Name of applicant

Relationship to detenu of applicant

Full address of applicant

Purpose for which interview is desired

Signature of Applicant.....

Dated.....

Hour.....a.m.....p.m.

APPENDIX E.

(*Vide* Rules 40 and 154.)

Medical history sheet.

Name.....	Father's name.....	Age.....	Date of arrest.....
I.	II.	III.	IV.
Date of arrival or transfer.	Date of admission to hospital or of commencement of medical, dental or other treatment.	Date of discharge from hospital or of cessation of medical, dental or other treatment.	Diagnosis.
			Nature of treatment—Specialist examinations, brief history of the case and disposal.
			Remarks :— Whenever spectacles, artificial teeth or any other apparatus is supplied, it should be noted here with dates and whether at Government cost or at his own expense.

- Note.*—I. This form will remain in charge of the Medical Officer when the detenu is in a Camp or Jail, or of the Superintendent of Police of the district or the District Magistrate, if the detenu is in domicile and entries will be completed at the time of occurrence of each event.
- II. Against entry in column No. I, a note should be made wherefrom received or whereto transferred. A note should be made in column No. V of reasons of transfer if on medical grounds and a brief summary of medical history whenever a detenu is transferred irrespective of the fact whether he was admitted in hospital or not.
- III. Initials of the Medical Officer or Superintendent of Police should be subscribed beneath each entry in remarks column.

APPENDIX F.*(Vide Rule 204.)***Recommendation for family allowance.**

1. Name of detenu.....
2. Father's name and home address and occupation.....
.....
3. Whether the detenu has any relation in Government service
or in receipt of Government pension.....
4. Caste.....
5. Occupation.....
6. Married or single.....
7. Children, if any, and their ages.....
.....
8. Other dependants, if any, give details, e.g., minors, widows,
their ages, etc.....
.....
9. Whether the dependants are living in a joint mess or in a
separate mess.....
10. Whether the detenu's family or dependants were really
dependent on him for their support in whole or in part. State amount,
if any, which the detenu provided for their maintenance.....
.....
11. Whether the detenu has any income or any interest in pro-
perty, sole or joint, and if so, the income from such interest.....
.....
12. Amount considered adequate for the supply of the wants of
the family or their dependants according to their rank in life.....
.....
13. Status.....

Superintendent of Police,

APPENDIX G.*(Vide Rule 205.)***Form of Report regarding Insurance Premia.**

- (1) Name of policy holder.....
- (2) Name of insurance company.....
- (3) Number and value of policy.....
- (4) Date of policy.....
- (5) Amount and nature of premia with due dates.....
.....
- (6) Date on which policy will acquire or has acquired part paid
up benefits.....
- (7) Date on which policy will acquire or has acquired a surrender
value.....
- (8) Number and total value of premia paid—
 - (i) by *detenu*.....
 - (ii) by Government.....
- (9) Date on which the last premium was paid and by whom paid?
.....
- (10) Is policy still in force?.....
- (11) Has the policy lapsed? If so,—
 - (i) when.....
 - (ii) what interest or other charges are payable to revive the
policy.....
 - (iii) whether medical examination is necessary.....
.....

APPENDIX H.

(Vide Rule 139.)

Scale of domiciliary allowance in districts.

District.	Rate fixed per month.		
			Rs.
Bankura	30
Birbhum	30
Burdwan	25
Howrah	30
Hooghly	25
Midnapore	25
24-Parganas	25
Murshidabad	30
Nadia	25*
Jessore	30
Khulna	30
Rajshahi	30
Rangpur	25
Dinajpur	30
Jalpaiguri	25
Pabna	25†
Bogra	25
Malda	30
Darjeeling	40
Dacca	25
Mymensingh	25
Faridpur	25
Bakarganj	25
Tippera	25
Noakhali	25

*Except in the cases of detenus interned at Haringhata, Santipur, Hanskhali, Chapra Kaliganj, Mirpur and Jibannagar for whom the allowance fixed is Rs. 30 per month each.

†Except in the cases of detenus interned at Ullapara and Taras for whom the allowance fixed is Rs. 30 and Rs. 35 per month respectively.

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